

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1931 – SB 1900

March 7, 2016

SUMMARY OF ORIGINAL BILL: Prohibits reports made by local education agencies on harassment, intimidation, bullying, or cyber-bullying from including the victims' names.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (012635): Deletes all language of the original bill. Prohibits the operator of a website from engaging in targeted advertising on the operator's website, service, application, or target advertising on any other site, service, or application, if the targeted advertising is based on any information that the operator has acquired through the use of the website, service, or application for kindergarten through grade twelve (K-12) school purposes. Prohibits operators from using unique identifiers to build profiles of students, except to further K-12 school purposes; from selling or renting a student's information; or disclosing personally identifiable information that is not publicly available unless disclosure is made in specific circumstances, including but not limited to, court orders or to protect the safety and integrity of website users. Requires operators to maintain reasonable security protocols and procedures to protect user information.

States that the legislation does not do the following: limit the ability of law enforcement to obtain any content or information from any operator as authorized by law or court order; limit the ability of an operator to use student information for adaptive learning or customized student learning; apply to general audience internet websites, online services, or mobile applications; limit service providers from providing internet connectivity to schools, students, or their families; impose a duty upon a provider to enforce compliance upon third-parties; or prohibit students from downloading, exporting, transferring, saving, or maintaining their own student data or documents.

States that any violation of the forgoing provisions shall be construed to constitute an unfair or deceptive trade practice which shall be enforced by the Attorney General and Reporter at the Attorney General's discretion.

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FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Any increase in expenditures to comply with this bill will be borne by private entities.
- Based on information from the Attorney General’s office, any increase in court cases to prosecute any action taken as a result of this bill will be handled within the existing resources.
- There will not be a sufficient number of prosecutions for state or local government to experience any significant increase in revenue or expenditures.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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