

January 13, 2020

ASSEMBLY BILL NO. 4978
(Third Reprint)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 4978 (Third Reprint) with my recommendations for reconsideration.

This bill seeks to protect student confidentiality with online education services by prohibiting the misuse or misappropriation of student records and information. Protecting the online privacy of New Jerseyans has been a priority since the beginning of my Administration, as evidenced by the creation of the Data Privacy and Cybersecurity Section within the Office of the Attorney General. Students are among the groups most vulnerable to online privacy threats and I commend the bill's sponsors for taking proactive measures to protect them.

However, I am concerned that a provision of this bill may inadvertently hinder New Jersey students who are seeking post-secondary educational opportunities. The bill conditions the sharing of student national assessment data, such as that generated by completion of the SAT, ACT, PSAT, or other similar exams, upon the written consent of a student's parent or guardian. The purpose of this data sharing is to connect students with institutions of higher education and potential financial aid opportunities. Presently, a student's consent alone is sufficient to initiate this sharing of data. While I share the desire of the bill's sponsors to establish stringent safeguards around students' testing data, I am concerned that imposing an additional requirement for this type of data sharing may disrupt the opportunities for post-secondary education and financial aid that currently exist.

Therefore, I herewith return Assembly Bill No. 4978
(Third Reprint) and recommend that it be amended as follows:

Page 4, Section 2, Line 46:

After "of" insert "the student
or"

[seal]

Respectfully,

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor