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**BUSINESS AND PROFESSIONS CODE - BPC**

**DIVISION 8. SPECIAL BUSINESS REGULATIONS [18400 - 22949.92.2]** ( *Division 8 added by Stats. 1941, Ch. 44.* )

**CHAPTER 22.2.7. Student Test Taker Privacy Protection Act [22588- 22588.]** ( *Chapter 22.2.7 added by Stats. 2022, Ch. 720, Sec. 1.* )

**22588.** (a) Notwithstanding Section 22584 of the Business and Professions Code, a business providing proctoring services in an educational setting shall collect, use, retain, and disclose only the personal information strictly necessary to provide those services.

(b) This section shall not prohibit a business from collecting, using, retaining, or disclosing personal information if doing so is necessary for any of the following:

(1) To comply with federal, state, or local law.

(2) To comply with a court order or subpoena.

(3) To comply with a civil, criminal, or regulatory inquiry, investigation, subpoena, or summons by a federal, state, or local agency authorized by law to conduct that inquiry or investigation, or authorized to serve a subpoena or summons, as applicable.

(A) A law enforcement agency may direct a business, pursuant to a law enforcement agency-approved investigation with an active case number, not to delete a consumer's personal information, and, upon receipt of that direction, a business shall not delete the personal information for 90 days, in order to allow the law enforcement agency to obtain a court order or subpoena to obtain the consumer's personal information.

(B) A business that has received direction from a law enforcement agency not to delete a consumer's personal information that otherwise would not be permissible to retain or disclose pursuant to this section shall not use or disclose the consumer's personal information for any purpose except in response to a court order or subpoena.

(4) To cooperate with a law enforcement agency concerning conduct or activity that the business reasonably and in good faith believes to violate federal, state, or local law.

(5) To cooperate with a government agency request for emergency access to a consumer's personal information if a natural person is at imminent risk of death or serious physical injury, provided that all of the following are met:

(A) The request is approved by a high-ranking agency officer for emergency access to a consumer's personal information.

(B) The request is based on the agency's good faith determination that it has a lawful basis to access the information on a nonemergency basis.

(C) The agency agrees to petition a court for an appropriate order within three days and to destroy the information if that order is not granted.

(6) To exercise or defend a legal claim.

(c) For purposes of this section, "personal information" has the same meaning as in Section 1798.140 of the Civil Code.

(d) For purposes of this section, "proctoring services" includes, but is not limited to, services offered by a business to observe, monitor, or administer an exam.

(Added by Stats. 2022, Ch. 720, Sec. 1. (SB 1172) Effective January 1, 2023.)

