Ulyx Advisory

MODPA READINESS · INDEPENDENT SCHOOLS

Maryland Online Data Privacy Act · 24-point self-check for independent schools

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Twenty-four things a Maryland independent school should be able to show a regulator, with a document, before April 1, 2027.

MODPA has no general nonprofit exemption, its threshold counts every family, alumnus and donor in your systems, and its rules on children's data are among the strictest of any state. Whether it applies to your school is your counsel's determination. This edition covers the evidence a covered school needs, office by office. Check an item only if you could hand over the document today.

1 KNOW WHAT THE SCHOOL HOLDS

- ☐ Your count of Maryland consumers across every office: applicants, families, alumni, donors, camp and event registrants. Employees generally fall outside it; parents, alumni and donors do not.
- ☐ A data map by office (admissions, business office, advancement, communications, athletics and camps, health office, technology): what each holds, where it lives, and why.
- ☐ A written answer on FERPA: does the school receive federal education funds? If not, the FERPA carve-out likely does not cover student records (counsel confirms).
- ☐ A retention schedule staff follow, covering applicants who did not enroll, lapsed donors, past event lists and old directories.

2 PROTECT STUDENTS AND SENSITIVE DATA

- ☐ Data about students and applicants under 13 flagged as sensitive data and collected only where strictly necessary for what the family asked for.
- ☐ Other sensitive data flagged: health office records, religious affiliation, race, ethnicity, national origin, international students' citizenship, and biometrics in photo or ID tools.
- ☐ No sale and no targeted advertising involving anyone you know, or should know, is under 18, including ads aimed at prospective students. Consent does not cure it.
- ☐ Confirmation that no sensitive data is sold or traded for value, with or without consent.

3 REVIEW ADVANCEMENT AND ADMISSIONS

- ☐ Wealth screening documented: what goes to the vendor, what comes back, and the assessment counsel requires for profiling.
- ☐ Every exchange of family, alumni or donor data for money or value identified: list swaps, data co-ops, sponsor or affinity deals.
- ☐ Tracking pixels and ad tags on admissions, giving and event pages inventoried, and Global Privacy Control honored and tested.
- ☐ Parent directories, class lists and photo galleries reviewed: who sees them, what is shared, and how a family opts out.

4 CONTROL VENDORS AND APPS

- ☐ A vendor register: student information system, learning platform, advancement CRM, email, event and ticketing, tuition and aid, camp registration, and the data each receives.
- ☐ A written contract on file for each processor, with privacy, breach-notice and deletion terms your counsel has reviewed.
- ☐ An approval step before any teacher or office puts student or family data into a new app or AI tool.
- ☐ Security safeguards documented and an incident plan tested, including Maryland breach-notice steps.

5 ANSWER FAMILY AND ALUMNI REQUESTS

- ☐ One intake channel for access, correction, deletion and export requests, with a named owner who can reach every office.
- ☐ A request log that tracks the 45-day response clock, the one 45-day extension and the 60-day appeal window.
- ☐ A procedure to verify a parent or guardian before acting on a child's data, including separated households.
- ☐ A privacy notice that covers admissions, advancement, events and the website, with working opt-outs (counsel approves the text).

6 GOVERN THE PROGRAM

- ☐ A named privacy owner with time for it (often the CFO or technology director) and a small cross-office working group.
- ☐ Data protection assessments on file for targeted advertising, sale, profiling and sensitive data, covering each algorithm or AI tool used.
- ☐ Training for admissions, advancement, communications and faculty who adopt apps, with completion records.
- ☐ A board briefing: the risk or technology committee has seen the gap list and the April 1, 2027 plan.

The Short Version

THREE DATES

Oct 1, 2025 — MODPA took effect
Apr 1, 2026 — Attorney General enforcement began
Apr 1, 2027 — 60-day cure period ends; after this the AG can act without notice

WHY SCHOOLS ARE COVERED

Nonprofits are **not exempt**. The **35,000**-consumer threshold counts every Maryland parent, alumnus, donor, applicant and registrant you hold, so many mid-sized schools reach it on advancement and admissions records alone. Your counsel makes the call.

WHAT IS DIFFERENT FOR SCHOOLS

Most independent schools take no federal education funds, so FERPA's carve-out usually does not apply. Data on children under 13 is sensitive data. The under-18 rule turns on what you **should have known**, not only what you knew.

EXPOSURE

Up to **$10,000** per violation and **$25,000** per repeat violation under the Consumer Protection Act. No private lawsuits.

HOW TO SCORE

0–4 unchecked: confirm with counsel and keep records current.
5–12: a two-week Readiness Snapshot ($4,500) maps the gaps and routes the legal questions to counsel.
13+: the six-week Readiness Program builds the workflows, opt-outs and assessments.

SECTOR EDITIONS

This is the independent-school edition of the 24-point Ulyx checklist: same framework, tailored to how schools hold data. General edition: **ulyxadvisory.com/modpa**

NEXT STEP

Book a 30-minute call:
ulyxadvisory.com/book

WHO DOES WHAT

Ulyx builds the inventories, registers, workflows and assessment files. Your counsel decides whether the law applies, what the notice says, and whether the assessments are sufficient.

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