

1 § -2 School access to student or potential student's
2 social networking accounts prohibited. (a) A school shall not
3 require or request a student or potential student to:

4 (1) Disclose a username and password for the purpose of
5 accessing the student or potential student's social
6 networking account;

7 (2) Access the student or potential student's social
8 networking account in the presence of an agent of the
9 school so as to give the school access;

10 (3) Divulge information from any social networking
11 account, except as provided in subsection (b); or

12 (4) Add the school or an agent of the school to the
13 student's social networking account.

14 (b) Nothing in this section shall preclude a school from
15 conducting an investigation for the purposes of ensuring
16 compliance with applicable laws or prohibitions against school-
17 related student misconduct based on the receipt of specific
18 information about activity on a social networking online account
19 or service by a student or other source. Conducting an
20 investigation includes requiring the student's cooperation to
21 share the content that has been reported to make a factual
22 determination.



1 (c) Nothing in this section shall be construed to prevent
2 a school from complying with the requirements of state or
3 federal statutes, rules, regulations, or case law.

4 (d) Nothing in this section shall preclude a school from
5 requiring or requesting a student to disclose a username or
6 password for the purpose of accessing:

7 (1) Any electronic communications device supplied or paid
8 for in whole or in part by the school; or

9 (2) Any accounts or services provided by the school.

10 (e) Nothing in this section shall:

11 (1) Create a duty for a school to search or monitor the
12 activity of a social networking account; or

13 (2) Create liability on the part of the school or its
14 agents for failure to request or require that a
15 student or potential student grant access to, allow
16 observation of, or disclose information that allows
17 access to or observation of a student's or prospective
18 student's social networking account.

19 (f) Nothing in this section shall prohibit a school from
20 monitoring, reviewing, accessing, or blocking electronic data
21 stored on an electronic communications device paid for in whole



1 or in part by the school, or traveling through or stored on a
2 school's network, in compliance with state and federal law.

3 (g) A school shall not expel, discipline, threaten to
4 discharge or discipline, or retaliate against a student or a
5 potential student for not complying with a request or demand by
6 the school that violates this section; provided that this
7 section shall not prohibit a school from expelling or taking an
8 adverse action against a student or potential student if
9 otherwise permitted by law.

10 (h) A school that violates this section shall pay a fine
11 of not more than \$.

12 **§ -3 Employer access to employee or potential employee**
13 **social networking accounts prohibited.** (a) An employer shall

14 not require or request an employee or potential employee to:

15 (1) Disclose a username and password for the purpose of
16 accessing the employee or potential employee's social
17 networking account;

18 (2) Access the employee or potential employee's social
19 networking account in the presence of the employer;

20 (3) Divulge information from any social networking
21 account, except as provided in subsection (b); or



1 (4) Add the employer to the employee or potential
2 employee's social networking account.

3 (b) Nothing in this section shall preclude an employer
4 from conducting an investigation:

5 (1) For the purposes of ensuring compliance with
6 applicable laws, regulatory requirements, or
7 prohibitions against work-related employee misconduct
8 based on the receipt of specific information about
9 activity on a social networking account or other
10 personal online service by an employee or other
11 source; or

12 (2) Of an employee's actions based on the receipt of
13 specific information about the unauthorized transfer
14 of an employer's proprietary information, confidential
15 information, or financial data to a social networking
16 account or other personal online service by an
17 employee or other source.

18 Conducting an investigation as specified in paragraphs (1) and
19 (2) includes requiring the employee's cooperation to share the
20 content that has been reported in order to make a factual
21 determination.



1 (c) Nothing in this section shall be construed to prevent
2 an employer from complying with the requirements of state or
3 federal statutes, rules, regulations, or case law, or rules of
4 self-regulatory organizations.

5 (d) Nothing in this section shall preclude an employer
6 from requiring or requesting an employee to disclose a username
7 or password for the purpose of accessing:

8 (1) Any electronic communications device supplied or paid
9 for in whole or in part by the employer; or

10 (2) Any accounts or services provided by the employer or
11 by virtue of the employee's employment relationship
12 with the employer or that the employee uses for
13 business purposes.

14 (e) Nothing in this section shall:

15 (1) Create a duty for an employer to search or monitor the
16 activity of a social networking account; or

17 (2) Create liability on the part of the employer for
18 failure to request or require that an employee or
19 potential employee grant access to, allow observation
20 of, or disclose information that allows access to or
21 observation of an employee or potential employees
22 social networking account.



1 (f) Nothing in this section shall prohibit an employer
2 from monitoring, reviewing, accessing, or blocking electronic
3 data stored on an electronic communications device paid for in
4 whole or in part by the employer, or traveling through or stored
5 on an employer's network, in compliance with state and federal
6 law.

7 (g) An employer shall not discharge, discipline, threaten
8 to discharge or discipline, or retaliate against an employee or
9 potential employee for not complying with a request or demand by
10 the employer that violates this section; provided that this
11 section shall not prohibit an employer from terminating or
12 taking an adverse action against an employee or potential
13 employee if otherwise permitted by law.

14 (h) An employer who violates this section shall pay a fine
15 of not more than \$."

16 SECTION 2. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun before its effective date.

19 SECTION 3. This Act shall take effect upon its approval.
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Report Title:

Social Networking; Privacy

Description:

Prohibits employers and schools from requiring or requesting employees, potential employees, students, and potential students to grant access to social networking site account usernames and passwords.

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