

HB 1212 – AS INTRODUCED

2014 SESSION

14-2150
04/01

HOUSE BILL **1212**

AN ACT relative to social media privacy in higher education.

SPONSORS: Rep. P. Sullivan, Hills 10; Rep. K. Rogers, Merr 28; Rep. Kurk, Hills 2

COMMITTEE: Education

ANALYSIS

This bill regulates social media privacy at institutions in the university and community college systems of New Hampshire.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT relative to social media privacy in higher education.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Section; University System of New Hampshire; Social Media Privacy. Amend RSA 187-A
2 by inserting after section 16-b the following new section:

3 187-A:16-c Social Media Privacy.

4 I. No institution in the university system of New Hampshire shall:

5 (a) Require or request a student or prospective student to disclose or to provide access to
6 a personal social media account through the student's or prospective student's user name, password,
7 or other means of authentication that provides access.

8 (b) Require or request a student or prospective student to access a personal social media
9 account in the presence of any university system employee in a manner that enables the employee to
10 observe the contents of the personal social media account.

11 (c) Compel a student or prospective student to add anyone to his or her list of contacts
12 associated with a personal social media account or require, request, suggest, or cause a student or
13 prospective student to change the privacy settings associated with a personal social media account.

14 (d) Take, or threaten to take any action against a student or prospective student to
15 discipline or prohibit such student or prospective student from participation in curricular or
16 extracurricular activities for refusal to disclose information or to take actions specified in
17 subparagraphs (a)-(c).

18 (e) Fail or refuse to admit a prospective student as a result of the refusal by the
19 prospective student to disclose information or to take actions specified in subparagraphs (a)-(c).

20 II. Nothing in this section shall prohibit an institution in the university system from:

21 (a) Conducting an investigation, without requiring or requesting access to a personal
22 social media account through username, password, or other means of authentication, for the purpose
23 of ensuring compliance with applicable law, or policies against student misconduct, that is based on
24 the receipt of specific information about activity associated with a personal social media account.

25 (b) Conducting an investigation pursuant to subparagraph (a) that requires the student
26 to share specific content on a personal social media account with a university system employee in
27 order for the university system to make a factual determination about that content. Student
28 cooperation required under this subparagraph shall not include providing the student's user name
29 and password, or other means of authentication that provides access to the student's personal social
30 media account to the university system.

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1 (c) Revoking a student’s access, in whole or in part, to equipment or computer networks
2 owned or operated by the university system.

3 III. The provisions of this section shall not apply to personal social media accounts that are
4 created or provided by the university system if the student has been provided advance notice that
5 the account may be monitored or accessed at any time by university system employees.

6 2 New Section; Community College System of New Hampshire; Social Media Privacy. Amend
7 RSA 188-F by inserting after section 3-b the following new section:

8 188-F:3-c Social Media Privacy.

9 I. No institution in the community college system of New Hampshire shall:

10 (a) Require or request a student or prospective student to disclose or to provide access to
11 a personal social media account through the student’s or prospective student’s user name, password,
12 or other means of authentication that provides access.

13 (b) Require or request a student or prospective student to access a personal social media
14 account in the presence of any community college system employee in a manner that enables the
15 employee to observe the contents of the personal social media account.

16 (c) Compel a student or prospective student to add anyone to his or her list of contacts
17 associated with a personal social media account or require, request, suggest, or cause a student or
18 prospective student to change the privacy settings associated with a personal social media account.

19 (d) Take, or threaten to take any action against a student or prospective student to
20 discipline or prohibit such student or prospective student from participation in curricular or
21 extracurricular activities for refusal to disclose information or to take actions specified in
22 subparagraphs (a)-(c).

23 (e) Fail or refuse to admit a prospective student as a result of the refusal by the
24 prospective student to disclose information or to take actions specified in subparagraphs (a)-(c).

25 II. Nothing in this section shall prohibit an institution in the community college system
26 from:

27 (a) Conducting an investigation, without requiring or requesting access to a personal
28 social media account through username, password, or other means of authentication, for the purpose
29 of ensuring compliance with applicable law, or policies against student misconduct, that is based on
30 the receipt of specific information about activity associated with a personal social media account.

31 (b) Conducting an investigation pursuant to subparagraph (a) that requires the student
32 to share specific content on a personal social media account with a community college system
33 employee in order for the community college system to make a factual determination about that
34 content. Student cooperation required under this subparagraph shall not include providing the
35 student’s user name and password, or other means of authentication that provides access to the
36 student’s personal social media account to the community college system.

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1 (c) Revoking a student’s access, in whole or in part, to equipment or computer networks
2 owned or operated by the community college system.

3 III. The provisions of this section shall not apply to personal social media accounts that are
4 created or provided by the community college system if the student has been provided advance notice
5 that the account may be monitored or accessed at any time by community college system employees.

6 3 Effective Date. This act shall take effect 60 days after its passage.