

AMENDED IN ASSEMBLY AUGUST 6, 2012

AMENDED IN ASSEMBLY JUNE 25, 2012

AMENDED IN SENATE MAY 2, 2012

AMENDED IN SENATE MARCH 27, 2012

SENATE BILL

No. 1349

Introduced by Senator Yee

(Principal coauthor: Assembly Member Campos)

February 24, 2012

An act to add Chapter 2.5 (commencing with Section 99120) to Part 65 of Division 14 of Title 3 of the Education Code, relating to social media privacy.

LEGISLATIVE COUNSEL'S DIGEST

SB 1349, as amended, Yee. Social media privacy: postsecondary education.

Existing law establishes and sets forth the missions and functions of the public and independent institutions of postsecondary education in the state.

This bill would prohibit public and private postsecondary educational institutions, and their employees and representatives, from requiring or requesting a student, prospective student, or student group to disclose, access, or divulge personal social media, as defined, information, as specified. The bill would prohibit a public or private postsecondary educational institution from threatening a student, prospective student, or student group with or taking specified pecuniary actions for refusing to comply with a request or demand that violates that prohibition. The bill would require *a* private nonprofit ~~and~~ *or* for-profit postsecondary educational institutions to change the institution's relevant policies, and

~~submit an annual certification to the Bureau for Private Postsecondary Education, to ensure compliance with this bill~~ *institution to post its social media privacy policy on the institution’s Internet Web site.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares that quickly
2 evolving technologies and social media services and Internet Web
3 sites create new challenges when seeking to protect the privacy
4 rights of students at California’s postsecondary educational
5 institutions. It is the intent of the Legislature to protect those rights
6 and provide students with an opportunity for redress if their rights
7 are violated. It is also the intent of the Legislature that public
8 postsecondary educational institutions match compliance and
9 reporting requirements for private nonprofit and for-profit
10 *postsecondary* educational institutions imposed by this act.

11 SEC. 2. Chapter 2.5 (commencing with Section 99120) is added
12 to Part 65 of Division 14 of Title 3 of the Education Code, to read:

13
14 CHAPTER 2.5. SOCIAL MEDIA PRIVACY

15
16 99120. As used in this chapter, “social media” means an
17 electronic service or account, or electronic content, including, but
18 not limited to, videos or still photographs, blogs, video blogs,
19 podcasts, instant and text messages, ~~email~~ *e-mail*, online services
20 or accounts, or Internet Web site profiles or locations.

21 99121. (a) Public and private postsecondary educational
22 institutions, and their employees and representatives, shall not
23 require or request a student, prospective student, or student group
24 to do any of the following:

25 (1) Disclose a user name or password for accessing personal
26 social media.

27 (2) Access personal social media in the presence of the
28 institution’s employee or representative.

29 (3) Divulge any personal social media information.

30 (b) A public or private postsecondary educational institution
31 shall not suspend, expel, discipline, threaten to take any of those
32 actions, or otherwise penalize a student, prospective student, or

1 student group in any way for refusing to comply with a request or
2 demand that violates this section.

3 (c) This section shall not do either of the following:

4 (1) Affect a public or private postsecondary educational
5 institution's existing rights and obligations to protect against and
6 investigate alleged student misconduct or violations of applicable
7 laws and regulations.

8 (2) Prohibit a public or private postsecondary educational
9 institution from taking any adverse action against a student,
10 prospective student, or student group for any lawful reason.

11 ~~99122. Private nonprofit and for-profit postsecondary
12 educational institutions shall do both of the following:~~

13 ~~(a) Change the institution's relevant policies to ensure
14 compliance with Section 99121.~~

15 ~~(b) Submit certification once per year to the Bureau for Private
16 Postsecondary Education that the institution is in compliance with
17 Section 99121.~~

18 *99122. A private nonprofit or for-profit postsecondary
19 educational institution shall post its social media privacy policy
20 on the institution's Internet Web site.*