

Senate Bill No. 1349

Passed the Senate August 21, 2012

Secretary of the Senate

Passed the Assembly August 16, 2012

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2012, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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, 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 or for-profit postsecondary educational institution to post its social media privacy policy on the institution's Internet Web site.

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

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

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

CHAPTER 2.5. SOCIAL MEDIA PRIVACY

99120. As used in this chapter, “social media” means an electronic service or account, or electronic content, including, but not limited to, videos or still photographs, blogs, video blogs, podcasts, instant and text messages, email, online services or accounts, or Internet Web site profiles or locations.

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

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

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

(3) Divulge any personal social media information.

(b) A public or private postsecondary educational institution shall not suspend, expel, discipline, threaten to take any of those actions, or otherwise penalize a student, prospective student, or student group in any way for refusing to comply with a request or demand that violates this section.

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

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

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

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

Approved _____, 2012

Governor