

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: H3/22/13
A Bill

HOUSE BILL 1902

By: Representative Steel

For An Act To Be Entitled

AN ACT TO PROHIBIT AN INSTITUTION OF HIGHER EDUCATION FROM REQUIRING OR REQUESTING A CURRENT OR PROSPECTIVE EMPLOYEE OR STUDENT FROM DISCLOSING HIS OR HER USERNAME OR PASSWORD FOR A SOCIAL MEDIA ACCOUNT OR TO PROVIDE ACCESS TO THE CONTENT OF HIS OR HER SOCIAL MEDIA ACCOUNT; AND FOR OTHER PURPOSES.

Subtitle

TO PROHIBIT AN INSTITUTION OF HIGHER EDUCATION FROM REQUIRING OR REQUESTING A CURRENT OR PROSPECTIVE EMPLOYEE OR STUDENT FROM DISCLOSING HIS OR HER USERNAME OR PASSWORD FOR A SOCIAL MEDIA ACCOUNT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 6, Chapter 60, Subchapter 1, is amended to add an additional section to read as follows:

6-60-104. Social media accounts of current and prospective students or employees.

(a) As used in this section:

(1) "Employee" means an individual who provides services or labor for wages or other remuneration for an institution of higher education;

(2) "Institution of higher education" means a public or private institution that provides postsecondary education or training to students that is academic, technical, trade-oriented, or in preparation for gaining



employment in a recognized occupation;

(3)(A) "Social media account" means a personal account with an electronic medium or service where users may create, share, or view user-generated content, including without limitation:

- (i) Videos;
- (ii) Photographs;
- (iii) Blogs;
- (iv) Podcasts;
- (v) Messages;
- (vi) Emails; or
- (vii) Website profiles or locations.

(B) "Social media account" does not include an account:

(i) Opened by an employee or student at the request of an institution of higher education;

(ii) Provided to an employee or student by an institution of higher education, such as an institutional email account or other software program owned or operated exclusively by an institution of higher education;

(iii) Setup by an employee or student on behalf of an institution of higher education; or

(iv) Setup by an employee or student to impersonate an institution of higher education through the use of the institution's name, logos, or trademarks.

(C) "Social media account" includes without limitation an account established with Facebook, Twitter, LinkedIn, MySpace, or Instagram; and

(4) "Student" means a person enrolled part-time or full-time at an institution of higher education in an organized course of study.

(b) An institution of higher education shall not require, request, suggest, or cause:

(1) A current or prospective employee or student to disclose his or her username and password to the current or prospective employee or student's social media account; or

(2) A current or prospective student, as a condition of acceptance in curricular or extracurricular activities, to:

(A) Add an employee or volunteer of the institution of higher education, including without limitation a coach, professor, or

administrator, to the list of contacts associated with his or her social media account; or

(B) Change the privacy settings associated with his or her social media account.

(c) An institution of higher education shall not:

(1) Take action against or threaten to discharge, discipline, prohibit from participating in curricular or extracurricular activities, or otherwise penalize a current student for exercising his or her rights under subsection (b) of this section; or

(2) Fail or refuse to admit or hire a prospective employee or student for exercising his or her rights under subsection (b) of this section.

(d) This section does not prohibit an institution of higher education from viewing information about a current or prospective employee or student that is publicly available on the Internet.

(e) Nothing in this section prevents an institution of higher education from complying with the requirements of federal or state laws, rules, or regulations.

/s/Steel

APPROVED: 04/08/2013