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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO EDUCATION AND LABOR - SOCIAL MEDIA PRIVACY

Introduced By: Representatives Kennedy, San Bento, Ruggiero, Marcello, and Ajello

Date Introduced: February 05, 2013

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 16 of the General Laws entitled "EDUCATION" is hereby amended  
2 by adding thereto the following chapter:

3 CHAPTER 100

4 STUDENT SOCIAL MEDIA PRIVACY

5 **16-100-1. Definitions. --** For the purposes of this chapter:

6 (1) "Social media account" means an electronic service or account, or electronic content,  
7 including, but not limited to, videos, still photographs, blogs, video blogs, podcasts, instant and  
8 text messages, email, online service or accounts, or Internet website profiles or locations. For the  
9 purposes of this chapter, social media account does not include an account opened at a school's  
10 behest, or provided by the school, and intended to be used primarily on behalf of the school.

11 (2) "Applicant" means an applicant for admission to an educational institution.

12 (3) "Educational institution" means a private or public institution that offers participants,  
13 students or trainees an organized course of study or training that is academic, technical, trade-  
14 oriented or preparatory for gainful employment in a recognized occupation.

15 (4) "Student" means any student, participant, or trainee, whether full-time or part-time, in  
16 an organized course of study at an educational institution.

17 **16-100-2. Social media password requests prohibited. --** No educational institution  
18 shall require, request, suggest, or cause a student or prospective student to do any of the  
19 following:

1 (1) Disclose the user name, password or any other means for accessing a personal social  
2 media account;

3 (2) Access a personal social media account in the presence of the educational institution's  
4 employee or representative; or

5 (3) Divulge any personal social media information.

6 **16-100-3. Social media access requests prohibited.** -- No educational institution shall  
7 compel a student or applicant, as a condition of acceptance or participation in curricular or  
8 extracurricular activities, to add anyone, including a coach, teacher, school administrator, or other  
9 school employee or school volunteer, to their list of contacts associated with a social media  
10 account or require, request, suggest, or cause a student or applicant to change the privacy settings  
11 associated with a social networking account.

12 **16-100-4. Disciplinary action prohibited.** -- No educational institution shall:

13 (1) Discharge, discipline, or otherwise penalize or threaten to discharge, discipline, or  
14 otherwise penalize any student for a student's refusal to disclose any information specified in  
15 section 16-100-2 or for refusal to add a coach, teacher, school administrator, or other school  
16 employee or school volunteer to their list of contacts associated with a social media account or to  
17 change the privacy settings associated with a social media account, as specified in section 16-  
18 100-3; or

19 (2) Fail or refuse to admit any applicant as a result of the applicant's refusal to disclose  
20 any information specified in section 16-100-2 or for refusal to add a coach, teacher, school  
21 administrator, or other school employee or school volunteer to their list of contacts associated  
22 with a social media account or to change the privacy settings associated with a social media  
23 account, as specified in section 16-100-3.

24 **16-100-5. Exceptions.** -- This chapter shall not apply to information about a student that  
25 is publicly available.

26 **16-100-6. Penalties for violations.** -- In any civil action alleging a violation of this  
27 chapter, the court may:

28 (1) Award to a prevailing applicant, employee or student punitive damages in addition to  
29 any award of actual damages, and reasonable attorneys' fees and costs; and

30 (2) Award injunctive relief against any employer, school, or agent of any employer or  
31 school who commits or proposes to commit a violation of this chapter.

32 SECTION 2. Title 28 of the General Laws entitled "LABOR AND LABOR  
33 RELATIONS" is hereby amended by adding thereto the following chapter:

34 CHAPTER 55

1 EMPLOYEE SOCIAL MEDIA PRIVACY

2 **28-55-1. Definitions.** -- For the purposes of this chapter:

3 (1) "Social media account" means an electronic service or account, or electronic content,  
4 including, but not limited to, videos, still photographs, blogs, video blogs, podcasts, instant and  
5 text messages, email, online service or accounts, or Internet website profiles or locations. For the  
6 purposes of this chapter, social media account does not include an account opened at an  
7 employer's behest, or provided by an employer, and intended to be used primarily on behalf of  
8 the employer.

9 (2) "Applicant" means an applicant for employment.

10 (3) "Employee" means an individual who provides services or labor for an employer for  
11 wages or other remuneration.

12 (4) "Employer" includes the state and all political subdivisions of the state, and any  
13 person in this state employing individuals, and any person acting in the interest of an employer  
14 directly or indirectly.

15 **28-55-2. Social media password requests prohibited.** -- No employer shall require,  
16 request, suggest, or cause an employee or applicant to do any of the following:

17 (1) Disclose the user name, password or any other means for accessing a personal social  
18 media account;

19 (2) Access a personal social media account in the presence of the employer or  
20 representative;

21 (3) Divulge any personal social media information except when reasonably believed to be  
22 relevant to an investigation of allegations of employee misconduct or employee violation of  
23 applicable laws and regulations; provided, that the social media account is used solely for  
24 purposes of that investigation or a related proceeding.

25 **28-55-3. Social media access requests prohibited.** -- No employer shall compel an  
26 employee or applicant to add anyone, including the employer or their agent, to their list of  
27 contacts associated with a social media account or require, request, suggest or cause an employee  
28 or applicant to change the privacy settings associated with a social media account.

29 **28-55-4. Disciplinary actions prohibited.** -- No employer shall:

30 (1) Discharge, discipline, or otherwise penalize or threaten to discharge, discipline, or  
31 otherwise penalize any employee for an employee's refusal to disclose any information specified  
32 in section 28-55-2 or for refusal to add the employer to their list of contacts associated with a  
33 social media account or to change the privacy settings associated with a social media account, as  
34 specified in section 28-55-3; or

1           (2) Fail or refuse to hire any applicant as a result of the applicant's refusal to disclose any  
2 information specified in section 28-55-2 or for refusal to add the employer to their list of contacts  
3 associated with a social media account or to change the privacy settings associated with a social  
4 media account, as specified in section 28-55-3.

5           **28-55-5. Exceptions. -- This chapter shall not apply to information about an applicant or**  
6 **employee that is publicly available.**

7           **28-55-6. Penalties for Violations. -- In any civil action alleging a violation of this**  
8 **chapter, the court may:**

9           (1) Award to a prevailing applicant, employee or student punitive damages in addition to  
10 any award of actual damages, and reasonable attorneys' fees and costs; and

11           (2) Award injunctive relief against any employer, school, or agent of any employer or  
12 school who commits or proposes to commit a violation of this chapter.

13           SECTION 3. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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- 1 This act would establish a social media privacy policy for students and employees.
- 2 This act would take effect upon passage.

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