

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013

A Bill

HOUSE BILL 1902

4
5 By: Representative Steel
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For An Act To Be Entitled

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

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17 TO PROHIBIT AN INSTITUTION OF HIGHER
18 EDUCATION FROM REQUIRING OR REQUESTING A
19 CURRENT OR PROSPECTIVE EMPLOYEE OR
20 STUDENT FROM DISCLOSING HIS OR HER
21 USERNAME OR PASSWORD FOR A SOCIAL MEDIA
22 ACCOUNT.
23
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26

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

29 6-60-104. Social media accounts of current and prospective students or
30 employees.

31 (a) As used in this section:

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

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



1 employment in a recognized occupation;

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

5 (i) Videos;

6 (ii) Photographs;

7 (iii) Blogs;

8 (iv) Podcasts;

9 (v) Messages;

10 (vi) Emails; or

11 (vii) Website profiles or locations.

12 (B) "Social media account" does not include an account
13 opened at the request of an institution of higher education or provided by an
14 institution of higher education that is intended to be used on behalf of the
15 institution of higher education.

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

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

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

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

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

28 (A) Add an employee or volunteer of the institution of
29 higher education, including without limitation a coach, professor, or
30 administrator, to the list of contacts associated with his or her social
31 media account; or

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

34 (c) An institution of higher education shall not:

35 (1) Take action against or threaten to discharge, discipline,
36 prohibit from participating in curricular or extracurricular activities, or

1 otherwise penalize a current student for exercising his or her rights under
2 subsection (b) of this section; or

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

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