

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: H3/22/13

A Bill

HOUSE BILL 1902

5 By: Representative Steel
6

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.
14

Subtitle

15
16 TO PROHIBIT AN INSTITUTION OF HIGHER
17 EDUCATION FROM REQUIRING OR REQUESTING A
18 CURRENT OR PROSPECTIVE EMPLOYEE OR
19 STUDENT FROM DISCLOSING HIS OR HER
20 USERNAME OR PASSWORD FOR A SOCIAL MEDIA
21 ACCOUNT.
22
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 a personal 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 (i) Opened by an employee or student at the request of an
14 institution of higher education;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19
20 /s/Steel
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36