

HOUSE BILL 310

F2

2lr1946

By: **Delegates Tarrant, Frank, Oaks, and Pena–Melnik**

Introduced and read first time: January 30, 2012

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Public and Nonpublic Institutions of Higher Education – Internet and**
3 **Electronic Account Privacy Protection**

4 FOR the purpose of prohibiting public and nonpublic institutions of higher education
5 and institutions of postsecondary education from requiring a student or
6 applicant for admission to provide the institution with access to certain Internet
7 sites or electronic accounts through certain electronic devices, to disclose any
8 user name, password, or other means for accessing certain Internet sites or
9 electronic accounts through certain electronic devices, or to install certain
10 monitoring or tracking software on certain electronic devices; prohibiting
11 certain institutions of higher education from refusing to allow a student to
12 participate in certain activities because of the student’s refusal to comply with a
13 request to provide certain Internet site or electronic account access, to disclose
14 certain password and related information, or to install certain software on
15 certain electronic devices; defining certain terms; and generally relating to
16 higher education and Internet and electronic account privacy protection.

17 BY adding to

18 Article – Education

19 Section 26–401 to be under the new subtitle “Subtitle 4. Internet and Electronic
20 Account Privacy Protection”

21 Annotated Code of Maryland

22 (2008 Replacement Volume and 2011 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
24 MARYLAND, That the Laws of Maryland read as follows:

25 **Article – Education**

26 **SUBTITLE 4. INTERNET AND ELECTRONIC ACCOUNT PRIVACY PROTECTION.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **26-401.**

2 (A) (1) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE
3 MEANINGS INDICATED.

4 (2) "ACADEMIC INSTITUTION" MEANS A PUBLIC OR NONPUBLIC
5 INSTITUTION OF HIGHER EDUCATION OR INSTITUTION OF POSTSECONDARY
6 EDUCATION.

7 (3) "APPLICANT" MEANS AN APPLICANT FOR ADMISSION INTO AN
8 ACADEMIC INSTITUTION.

9 (4) (I) "ELECTRONIC DEVICE" MEANS A DEVICE THAT USES
10 ELECTRONIC SIGNALS TO CREATE, TRANSMIT, AND RECEIVE INFORMATION.

11 (II) "ELECTRONIC DEVICE" INCLUDES A COMPUTER,
12 TELEPHONE, PERSONAL DIGITAL ASSISTANT, AND ANY OTHER SIMILAR DEVICE.

13 (B) AN ACADEMIC INSTITUTION MAY NOT REQUIRE A STUDENT OR
14 APPLICANT TO:

15 (1) PROVIDE THE ACADEMIC INSTITUTION WITH ACCESS TO THE
16 STUDENT'S OR APPLICANT'S PERSONAL INTERNET SITE OR PERSONAL
17 ELECTRONIC ACCOUNT THROUGH AN ELECTRONIC DEVICE;

18 (2) DISCLOSE ANY USER NAME, PASSWORD, OR OTHER MEANS
19 FOR ACCESSING A PERSONAL INTERNET SITE OR PERSONAL ELECTRONIC
20 ACCOUNT THROUGH AN ELECTRONIC DEVICE; OR

21 (3) INSTALL ON THE STUDENT'S OR APPLICANT'S PERSONAL
22 ELECTRONIC DEVICE SOFTWARE THAT MONITORS OR TRACKS THE CONTENT OF
23 THE ELECTRONIC DEVICE.

24 (C) AN ACADEMIC INSTITUTION MAY NOT REFUSE TO ALLOW A STUDENT
25 TO PARTICIPATE IN ACTIVITIES SANCTIONED BY THE ACADEMIC INSTITUTION
26 BECAUSE OF THE STUDENT'S REFUSAL TO COMPLY WITH A REQUEST BY THE
27 ACADEMIC INSTITUTION FOR ACCESS, INFORMATION, OR SOFTWARE
28 INSTALLATION SPECIFIED UNDER SUBSECTION (B) OF THIS SECTION.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2012.