

SENATE BILL 434

F2, F5

2lr1021
CF HB 746

By: **Senators Young, Kelley, King, Montgomery, and Shank**

Introduced and read first time: February 2, 2012

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 13, 2012

CHAPTER _____

1 AN ACT concerning

2 **Institutions of Postsecondary Education – Electronic Account, Service, and**
3 **Communications Device Privacy Protection**

4 FOR the purpose of prohibiting an institution of postsecondary education from
5 requiring a student or an applicant for admission to ~~provide access to a~~
6 ~~student's or applicant's personal account or service through an electronic~~
7 ~~communications device, to~~ disclose any user name, account name, password, or
8 other means for accessing certain accounts or services through an electronic
9 communications device, ~~or to install on certain electronic communications~~
10 ~~devices software that monitors or tracks electronic content~~; prohibiting an
11 institution of postsecondary education from taking, or threatening to take,
12 certain disciplinary actions for a student's or applicant's refusal to ~~provide~~
13 ~~certain access~~, disclose certain information, ~~or install certain software~~;
14 providing that this Act may not be construed to prohibit a student or an
15 applicant from voluntarily disclosing any user name, password, or other means
16 for accessing certain accounts or services through an electronic communications
17 device; defining certain terms; and generally relating to electronic account,
18 service, and communications devices used by applicants to and students of
19 institutions of postsecondary education.

20 BY repealing and reenacting, without amendments,
21 Article – Education
22 Section 10–101(a), (i), and (l)
23 Annotated Code of Maryland
24 (2008 Replacement Volume and 2011 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY adding to
2 Article – Education
3 Section 26–401 to be under the new subtitle “Subtitle 4. Electronic Account and
4 Device Privacy Protection”
5 Annotated Code of Maryland
6 (2008 Replacement Volume and 2011 Supplement)

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

9 **Article – Education**

10 10–101.

11 (a) In this division the following words have the meanings indicated.

12 (i) (1) “Institution of postsecondary education” means a school or other
13 institution that offers an educational program in the State for individuals who are at
14 least 16 years old and who have graduated from or left elementary or secondary
15 school.

16 (2) “Institution of postsecondary education” does not include:

17 (i) Any adult education, evening high school, or high school
18 equivalence program conducted by a public school system of the State; or

19 (ii) Any apprenticeship or on–the–job training program subject
20 to approval by the Apprenticeship and Training Council.

21 (l) “Program” or “educational program” means an organized course of study
22 that leads to the award of a certificate, diploma, or degree.

23 **SUBTITLE 4. ELECTRONIC ACCOUNT AND DEVICE PRIVACY PROTECTION.**

24 **26–401.**

25 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
26 **MEANINGS INDICATED.**

27 **(2) “APPLICANT” MEANS AN APPLICANT FOR ADMISSION TO AN**
28 **INSTITUTION OF POSTSECONDARY EDUCATION.**

29 **(3) (I) “ELECTRONIC COMMUNICATIONS DEVICE” MEANS ANY**
30 **DEVICE THAT USES ELECTRONIC SIGNALS TO CREATE, TRANSMIT, AND RECEIVE**
31 **INFORMATION.**

1 (II) "ELECTRONIC COMMUNICATIONS DEVICE" INCLUDES
2 COMPUTERS, TELEPHONES, PERSONAL DIGITAL ASSISTANTS, AND OTHER
3 SIMILAR DEVICES.

4 (4) "INSTITUTION OF POSTSECONDARY EDUCATION" HAS THE
5 MEANING STATED IN § 10-101(I) OF THIS ARTICLE.

6 (5) "PERSONAL ACCOUNT OR SERVICE" DOES NOT INCLUDE AN
7 ACCOUNT OR SERVICE PROVIDED TO A STUDENT BY AN INSTITUTION OF
8 POSTSECONDARY EDUCATION.

9 (B) ~~AN~~ SUBJECT TO SUBSECTION (C) OF THIS SECTION, AN INSTITUTION
10 OF POSTSECONDARY EDUCATION MAY NOT:

11 (1) REQUIRE A STUDENT OR AN APPLICANT TO:

12 ~~(I) PROVIDE ACCESS TO A STUDENT'S OR AN APPLICANT'S~~
13 ~~PERSONAL ACCOUNT OR SERVICE THROUGH AN ELECTRONIC COMMUNICATIONS~~
14 ~~DEVICE;~~

15 ~~(II) DISCLOSE~~ DISCLOSE ANY USER NAME, ACCOUNT NAME,
16 PASSWORD, OR OTHER MEANS FOR ACCESSING A STUDENT'S OR AN APPLICANT'S
17 PERSONAL ACCOUNT OR SERVICE THROUGH AN ELECTRONIC COMMUNICATIONS
18 DEVICE; OR

19 ~~(III) INSTALL ON A STUDENT'S OR AN APPLICANT'S~~
20 ~~PERSONAL ELECTRONIC COMMUNICATIONS DEVICE SOFTWARE THAT MONITORS~~
21 ~~OR TRACKS THE CONTENT OF THE ELECTRONIC COMMUNICATIONS DEVICE; OR~~

22 (2) DISCIPLINE OR OTHERWISE PENALIZE, OR THREATEN TO
23 DISCIPLINE OR OTHERWISE PENALIZE, A STUDENT OR AN APPLICANT FOR THE
24 STUDENT'S OR APPLICANT'S REFUSAL TO ~~PROVIDE ANY ACCESS,~~ DISCLOSE ANY
25 INFORMATION, ~~OR INSTALL ANY SOFTWARE~~ SPECIFIED IN PARAGRAPH (1) OF
26 THIS SUBSECTION.

27 (C) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT A STUDENT
28 OR AN APPLICANT FROM VOLUNTARILY DISCLOSING A USER NAME, PASSWORD,
29 OR OTHER MEANS FOR ACCESSING A STUDENT'S OR AN APPLICANT'S PERSONAL
30 ACCOUNT OR SERVICE THROUGH AN ELECTRONIC COMMUNICATIONS DEVICE.

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