

HCS HB 1358 -- PASSWORD PRIVACY PROTECTION ACT

SPONSOR: Davis

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Special Committee on Innovation and Technology by a vote of 14 to 0. Voted "Do Pass" by the Rules- Administrative Oversight Committee by a vote of 13 to 0.

This bill prohibits employers, educational institutions, and landlords from requiring personal online account access and information as a condition of employment, enrollment in a college or university, or residency. The bill also protects personal online account users from retaliation for denying an employer, educational institution, or landlord access to nonpublic online account information. This bill does not prevent an employer, educational institution, or landlord from accessing public information, complying with other laws, or investigating allegations pertinent to an employer, educational institution, or landlord.

In the event that an employer, educational institution, or landlord inadvertently receives the authentication that provides access to the personal online account, the employer, educational institution, or landlord shall not be liable for having the information, but they shall not access the person's personal online account or share the log-in information. The employer, educational institution, or landlord shall promptly delete the log-in information, unless it is connected to a specific criminal complaint, civil action, or investigation.

The bill contains a civil suit provision which specifies that data obtained, accessed, used, copied, disclosed, or retained in violation of this bill shall not be admissible in any criminal, civil, administrative, or other proceeding.

This bill is similar to SCS SB 316 (2017).

PROPOSERS: Supporters say that the bill secures privacy rights by prohibiting educational institutions from requiring students to divulge their social media passwords and content.

Testifying for the bill was Representative Davis.

OPPOSERS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say the bill raises legal concerns regarding procedure and student consent. If a student consents to a school administrator or employee looking at the student's social media, consent should be an affirmative defense to liability.

Testifying on the bill was the School Administrators Coalition.