

HB 1358 -- PASSWORD PRIVACY PROTECTION ACT

SPONSOR: Davis

This bill adds protections for students in elementary and secondary public and private schools, and prospective students, regarding their passwords and social media accounts. In its main provisions, the bill prohibits an educational institution from:

(1) Requiring, requesting, or coercing a student or prospective student to disclose the username, password, or other means of communication of any personal social media account or access a personal social media account in the presence of a school employee or school volunteer;

(2) Compelling a student or prospective student to access a personal social media account in the presence of a school employee or volunteer; and

(3) Taking any action or threatening to take any action to discharge, discipline or otherwise penalize a student due to his or her refusal to provide information, to add a school employee or school volunteer to his or her list of contacts associated with his or her personal social media account, or failing or refusing to admit any prospect student as a result of his or her refusal to disclose the information or add one of the persons to his or her list of contacts.

The bill allows an education institution to access information about a student or prospective student that is publicly available and to request or require a student or prospective student to share specific content that has been reported to the school as part of a specified investigation. The educational institution may prohibit students from using a personal social media account for school purposes or accessing or operating a personal social media account during school hours or while on school property.

An educational institution violating these provisions has committed an unlawful employment practice, and the student or prospective student may bring a cause of action for general or specific damages (Section 173.1600, RSMo).

This bill also establishes the Password Privacy Protection Act.
The bill:

(1) Prohibits an employer from requesting or requiring an employee or applicant to disclose any user name, password, or other means of accessing a personal online account or service;

(2) Prohibits an employer or employment agency from requiring an employee or applicant to add the employer or employment agency to the employee's or applicant's list of contacts associated with a personal online account;

(3) Prohibits an employer from discharging, disciplining, or penalizing or threatening to discharge, discipline, or penalize an employee for his or her refusal to disclose any personal online account information or from failing or refusing to hire an applicant for said refusal;

(4) Allows an employer to request or require an employee to disclose any user name, password, or other authentication means for accessing an electronic communications device paid for in whole or in part by the employer or any account or services provided by the employer used by the employee for business purposes or as a result of the employee's employment relationship with the employer;

(5) Prohibits an employee from transferring an employer's proprietary or confidential information or financial data to an employee's personal online account or service without the employer's authorization;

(6) Specifies that the act must not be construed to prevent an employer from engaging in specified investigatory activities; from disciplining or discharging an employee for transferring an employer's proprietary or confidential information or financial data to an employee's personal online account or service without authorization; from restricting or prohibiting employee access to certain websites using employer provided equipment or resources; or from monitoring, reviewing, accessing, or blocking data stored on an electronic communications device paid for in whole or in part by the employer;

(7) Specifies that an employer must not be prohibited or restricted from viewing, accessing, or utilizing information about an employee or applicant that can be obtained without using a user name, password, or other means or that is available to the public; and

(8) Specifies that the act must not be construed to prevent an employer from complying with the applicable laws of self-regulatory organizations or to prohibit an employer from requesting an employee to provide an email for business purposes (Section 285.045).

This bill is similar to HB 564 (2017).