

HOUSE BILL 746

F2, F5

2lr2838
CF SB 434

By: **Delegates Tarrant, Oaks, and Pena-Melnyk**

Introduced and read first time: February 8, 2012

Assigned to: Appropriations

A BILL ENTITLED

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, password, or other means for
8 accessing certain accounts or services through an electronic communications
9 device, or to install on certain electronic communications devices software that
10 monitors or tracks electronic content; prohibiting an institution of
11 postsecondary education from taking, or threatening to take, certain
12 disciplinary actions for a student’s or applicant’s refusal to provide certain
13 access, disclose certain information, or install certain software; defining certain
14 terms; and generally relating to electronic account, service, and communications
15 devices used by applicants to and students of institutions of postsecondary
16 education.

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

22 BY adding to
23 Article – Education
24 Section 26–401 to be under the new subtitle “Subtitle 4. Electronic Account and
25 Device Privacy Protection”
26 Annotated Code of Maryland
27 (2008 Replacement Volume and 2011 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Education**

4 10–101.

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

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

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

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

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

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

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

18 **26–401.**

19 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
20 **MEANINGS INDICATED.**

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

23 **(3) (I) “ELECTRONIC COMMUNICATIONS DEVICE” MEANS ANY**
24 **DEVICE THAT USES ELECTRONIC SIGNALS TO CREATE, TRANSMIT, AND RECEIVE**
25 **INFORMATION.**

26 **(II) “ELECTRONIC COMMUNICATIONS DEVICE” INCLUDES**
27 **COMPUTERS, TELEPHONES, PERSONAL DIGITAL ASSISTANTS, AND OTHER**
28 **SIMILAR DEVICES.**

29 **(4) “INSTITUTION OF POSTSECONDARY EDUCATION” HAS THE**
30 **MEANING STATED IN § 10–101(I) OF THIS ARTICLE.**

1 **(B) AN INSTITUTION OF POSTSECONDARY EDUCATION MAY NOT:**

2 **(1) REQUIRE A STUDENT OR AN APPLICANT TO:**

3 **(I) PROVIDE ACCESS TO A STUDENT'S OR AN APPLICANT'S**
4 **PERSONAL ACCOUNT OR SERVICE THROUGH AN ELECTRONIC COMMUNICATIONS**
5 **DEVICE;**

6 **(II) DISCLOSE ANY USER NAME, PASSWORD, OR OTHER**
7 **MEANS FOR ACCESSING A STUDENT'S OR AN APPLICANT'S PERSONAL ACCOUNT**
8 **OR SERVICE THROUGH AN ELECTRONIC COMMUNICATIONS DEVICE; OR**

9 **(III) INSTALL ON A STUDENT'S OR AN APPLICANT'S**
10 **PERSONAL ELECTRONIC COMMUNICATIONS DEVICE SOFTWARE THAT MONITORS**
11 **OR TRACKS THE CONTENT OF THE ELECTRONIC COMMUNICATIONS DEVICE; OR**

12 **(2) DISCIPLINE OR OTHERWISE PENALIZE, OR THREATEN TO**
13 **DISCIPLINE OR OTHERWISE PENALIZE, A STUDENT OR AN APPLICANT FOR THE**
14 **STUDENT'S OR APPLICANT'S REFUSAL TO PROVIDE ANY ACCESS, DISCLOSE ANY**
15 **INFORMATION, OR INSTALL ANY SOFTWARE SPECIFIED IN PARAGRAPH (1) OF**
16 **THIS SUBSECTION.**

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