

HOUSE No. 386

The Commonwealth of Massachusetts

PRESENTED BY:

Kenneth I. Gordon and James M. Cantwell

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to social media password privacy.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>James M. Cantwell</i>	<i>4th Plymouth</i>
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>
<i>Dennis A. Rosa</i>	<i>4th Worcester</i>
<i>Ann-Margaret Ferrante</i>	<i>5th Essex</i>
<i>Jose F. Tosado</i>	<i>9th Hampden</i>
<i>Paul W. Mark</i>	<i>2nd Berkshire</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>

<i>F. Jay Barrows</i>	<i>1st Bristol</i>
<i>Nicholas A. Boldyga</i>	<i>3rd Hampden</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>
<i>Leah Cole</i>	<i>12th Essex</i>
<i>Mark J. Cusack</i>	<i>5th Norfolk</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>
<i>Diana DiZoglio</i>	<i>14th Essex</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>
<i>Carlos Gonzalez</i>	<i>10th Hampden</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Thomas P. Kennedy</i>	<i>Second Plymouth and Bristol</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Stephen Kulik</i>	<i>1st Franklin</i>
<i>Kevin J. Kuros</i>	<i>8th Worcester</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>
<i>Timothy R. Madden</i>	<i>Barnstable, Dukes and Nantucket</i>
<i>John J. Mahoney</i>	<i>13th Worcester</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Leonard Mirra</i>	<i>2nd Essex</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>

<i>Frank A. Moran</i>	<i>17th Essex</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>Keiko M. Orrall</i>	<i>12th Bristol</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>
<i>William Smitty Pignatelli</i>	<i>4th Berkshire</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>
<i>Ellen Story</i>	<i>3rd Hampshire</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>
<i>Walter F. Timitly</i>	<i>7th Norfolk</i>
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>
<i>RoseLee Vincent</i>	<i>16th Suffolk</i>

HOUSE No. 386

By Messrs. Gordon of Bedford and Cantwell of Marshfield, a petition (accompanied by bill, House, No. 386) of Kenneth I. Gordon, James M. Cantwell and others relative to social media password privacy for school students. Education.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to social media password privacy.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 15A of the General Laws is hereby amended by adding the
2 following section:-

3 Section 44. (a) As used in this section, the following words shall have the following
4 meanings unless the context clearly requires otherwise:

5 “Educational institution”, a public or private higher education institution located in the
6 commonwealth.

7 “Personal social media account", a social media account, service or profile that is used by
8 a current or prospective student exclusively for personal communications unrelated to any
9 educational purpose of the educational institution; provided however, that “personal social media
10 account” shall not include any social media account created, maintained, used or accessed by a
11 student or prospective student for education related communications or for an educational
12 purpose of the educational institution.

13 “Social media”, an electronic medium allowing users to create, share and view user-
14 generated content including, but not limited to, uploading or downloading videos or still
15 photographs, blogs, video blogs, podcasts, messages, e-mails or internet website profiles or
16 locations.

17 (b) No educational institution shall:

18 (i) require, request or cause a student or applicant to disclose a user name, password or
19 other means for access, or provide access through a user name or password, to a personal social
20 media account;

21 (ii) compel a student or applicant, as a condition of acceptance or participation in
22 curricular or extracurricular activities, to add a person, including but not limited to, a coach,
23 teacher, school administrator or other school employee or school volunteer, to the student’s or
24 applicant’s list of contacts associated with a personal social media account; or

25 (iii) take or threaten adverse action against a student or applicant, including restraining
26 the student’s participation in extracurricular activities, for refusing to disclose information
27 specified in clause (i) or for refusing to add a coach, teacher, school administrator or other school
28 employee or school volunteer to a list of contacts associated with a personal social media
29 account, as specified in clause (ii).

30 (c) This section shall not apply to information about a student or applicant that is publicly
31 available.

32 (d) Nothing in this section shall limit an educational institution's right to promulgate and
33 maintain lawful policies governing the use of the educational institution's electronic equipment,
34 including policies regarding use of the internet, email or social media.

35 (e) An aggrieved student or prospective student may institute a civil action for damages
36 or to restrain a violation of this section and may recover: (i) \$1,000 for each request that violates
37 clause (i) or (ii) of subsection (b); (ii) \$1,000 for each adverse action, which violates clause (iii)
38 of subsection (b), or actual damages, whichever amount is higher; (iii) punitive damages if a
39 court determines that a violation was willful; and (iv) reasonable attorneys' fees and other
40 litigation costs reasonably incurred.