A BILL ENTITLED

AN ACT concerning

Public and Nonpublic Institutions of Higher Education – Internet and Electronic Account Privacy Protection

FOR the purpose of prohibiting public and nonpublic institutions of higher education and institutions of postsecondary education from requiring a student or applicant for admission to provide the institution with access to certain Internet sites or electronic accounts through certain electronic devices, to disclose any user name, password, or other means for accessing certain Internet sites or electronic accounts through certain electronic devices, or to install certain monitoring or tracking software on certain electronic devices; prohibiting certain institutions of higher education from refusing to allow a student to participate in certain activities because of the student’s refusal to comply with a request to provide certain Internet site or electronic account access, to disclose certain password and related information, or to install certain software on certain electronic devices; defining certain terms; and generally relating to higher education and Internet and electronic account privacy protection.

BY adding to

Article – Education

Section 26–401 to be under the new subtitle “Subtitle 4. Internet and Electronic Account Privacy Protection”

Annotated Code of Maryland

(2008 Replacement Volume and 2011 Supplement)

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

Article – Education

SUBTITLE 4. INTERNET AND ELECTRONIC ACCOUNT PRIVACY PROTECTION.
26–401.

(A) (1) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "ACADEMIC INSTITUTION" MEANS A PUBLIC OR NONPUBLIC INSTITUTION OF HIGHER EDUCATION OR INSTITUTION OF POSTSECONDARY EDUCATION.

(3) "APPLICANT" MEANS AN APPLICANT FOR ADMISSION INTO AN ACADEMIC INSTITUTION.

(4) (I) "ELECTRONIC DEVICE" MEANS A DEVICE THAT USES ELECTRONIC SIGNALS TO CREATE, TRANSMIT, AND RECEIVE INFORMATION.

(II) "ELECTRONIC DEVICE" INCLUDES A COMPUTER, TELEPHONE, PERSONAL DIGITAL ASSISTANT, AND ANY OTHER SIMILAR DEVICE.

(B) AN ACADEMIC INSTITUTION MAY NOT REQUIRE A STUDENT OR APPLICANT TO:

(1) PROVIDE THE ACADEMIC INSTITUTION WITH ACCESS TO THE STUDENT'S OR APPLICANT'S PERSONAL INTERNET SITE OR PERSONAL ELECTRONIC ACCOUNT THROUGH AN ELECTRONIC DEVICE;

(2) DISCLOSE ANY USER NAME, PASSWORD, OR OTHER MEANS FOR ACCESSING A PERSONAL INTERNET SITE OR PERSONAL ELECTRONIC ACCOUNT THROUGH AN ELECTRONIC DEVICE; OR

(3) INSTALL ON THE STUDENT’S OR APPLICANT’S PERSONAL ELECTRONIC DEVICE SOFTWARE THAT MONITORS OR TRACKS THE CONTENT OF THE ELECTRONIC DEVICE.

(C) AN ACADEMIC INSTITUTION MAY NOT REFUSE TO ALLOW A STUDENT TO PARTICIPATE IN ACTIVITIES SANCTIONED BY THE ACADEMIC INSTITUTION BECAUSE OF THE STUDENT’S REFUSAL TO COMPLY WITH A REQUEST BY THE ACADEMIC INSTITUTION FOR ACCESS, INFORMATION, OR SOFTWARE INSTALLATION SPECIFIED UNDER SUBSECTION (B) OF THIS SECTION.

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