

# ASSEMBLY, No. 2879

## STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED MAY 10, 2012

**Sponsored by:**

**Assemblyman JOHN J. BURZICHELLI**  
**District 3 (Cumberland, Gloucester and Salem)**  
**Assemblyman LOUIS D. GREENWALD**  
**District 6 (Burlington and Camden)**  
**Assemblyman RUBEN J. RAMOS, JR.**  
**District 33 (Hudson)**  
**Assemblyman HERB CONAWAY, JR.**  
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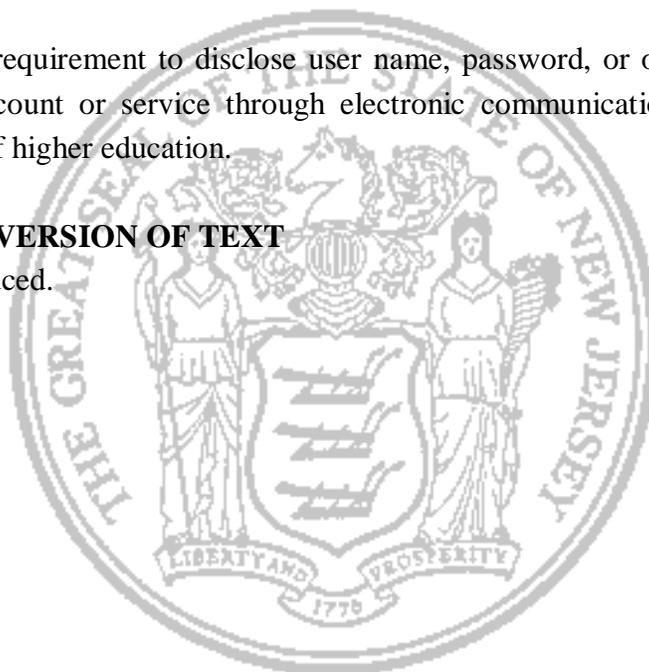
**Assemblywomen Mosquera, Sumter, Assemblyman Diegnan, Senators Sweeney, Allen and Gordon**

**SYNOPSIS**

Prohibits requirement to disclose user name, password, or other means for accessing account or service through electronic communications devices by institutions of higher education.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 10/26/2012)**

1 AN ACT prohibiting the requirement to disclose personal  
2 information for certain electronic communications devices by  
3 institutions of higher education.

4  
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

7  
8 1. For purposes of this act:

9 “Applicant” means an applicant for admission into a public or  
10 private institution of higher education.

11 “Electronic communications device” means any device that uses  
12 electronic signals to create, transmit, and receive information,  
13 including a computer, telephone, personal digital assistant, or other  
14 similar device.

15 “Public or private institution of higher education” means any  
16 public or private institution of higher education or any employee,  
17 agent, representative, or designee of the institution.

18 “Social networking website” means an Internet-based service  
19 that allows individuals to construct a public or semi-public profile  
20 within a bounded system created by the service, create a list of  
21 other users with whom they share a connection within the system,  
22 and view and navigate their list of connections and those made by  
23 others within the system.

24  
25 2. No public or private institution of higher education in this  
26 State shall:

27 a. Require a student or applicant to provide or disclose any  
28 user name or password, or in any way provide access to, a personal  
29 account or service through an electronic communications device.

30 b. In any way inquire as to whether a student or applicant has  
31 an account or profile on a social networking website.

32 c. Prohibit a student or applicant from participating in  
33 activities sanctioned by the institution of higher education, or in any  
34 other way discriminate or retaliate against a student or applicant, as  
35 a result of the student or applicant refusing to provide or disclose  
36 any user name, password, or other means for accessing a personal  
37 account or service through an electronic communications device as  
38 provided in subsection a. of this section.

39  
40 3. No public or private institution of higher education in this  
41 State shall require a student or applicant to waive or limit any  
42 protection granted under this act. An agreement to waive any right  
43 or protection under this act is against the public policy of this State  
44 and is void and unenforceable.

45  
46 4. Upon violation of any provision of this act, an aggrieved  
47 person may, in addition to any other available remedy, institute a  
48 civil action in a court of competent jurisdiction, within one year

1 from the date of the alleged violation. In response to the action, the  
2 court may, as it deems appropriate, order or award any one or more  
3 of the following:

4 a. With respect to an applicant:

5 (1) injunctive relief;

6 (2) compensatory and consequential damages incurred by the  
7 applicant as a result of the violation, taking into consideration any  
8 failure to admit the applicant in connection with the violation; and

9 (3) reasonable attorneys' fees and court costs.

10 b. With respect to a current or former student:

11 (1) injunctive relief as it deems appropriate;

12 (2) compensatory and consequential damages incurred by the  
13 student or former student as a result of the violation; and

14 (3) reasonable attorneys' fees and court costs.

15  
16 5. This act shall take effect immediately.

17  
18  
19 STATEMENT

20  
21 This bill prohibits a public or private institution of higher  
22 education in this State from requiring a student or applicant to  
23 provide or disclose any user name or password, or in any way  
24 provide access to, a personal account or service through an  
25 electronic communications device. The bill also prohibits a public  
26 or private institution of higher education from prohibiting a student  
27 or applicant from participating in activities sanctioned by the  
28 institution of higher education, or in any other way discriminating  
29 or retaliating against a student or applicant, as a result of the student  
30 or applicant refusing to provide or disclose any user name,  
31 password, or other means for accessing a personal account or  
32 service through an electronic communications device.

33 The bill prohibits a public or private institution of higher  
34 education from requiring a student or applicant to waive or limit  
35 any protection granted under the bill. Also, any current or former  
36 student or applicant aggrieved under the provisions of the bill may  
37 bring action in a court of competent jurisdiction for appropriate  
38 injunctive relief and damages, including reasonable attorneys' fees  
39 and court costs.

40 Finally, for purposes of the bill: "applicant" means an applicant  
41 for admission into a public or private institution of higher  
42 education; "electronic communications device" means any device  
43 that uses electronic signals to create, transmit, and receive  
44 information, including a computer, telephone, personal digital  
45 assistant, or other similar device; "public or private institution of  
46 higher education" means any public or private institution of higher  
47 education or any employee, agent, representative, or designee of the  
48 institution; and "social networking website" means an Internet-

- 1 based service that allows individuals to construct a public or semi-
- 2 public profile within a bounded system created by the service,
- 3 create a list of other users with whom they share a connection
- 4 within the system, and view and navigate their list of connections
- 5 and those made by others within the system.