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

BE IT ENACTED by the Senate and General Assembly of the State
of New Jersey:

1. For purposes of this act:
   “Applicant” means an applicant for admission into a public or
private institution of higher education.
   “Electronic communications device” means any device that uses
electronic signals to create, transmit, and receive information,
including a computer, telephone, personal digital assistant, or other
similar device.
   “Public or private institution of higher education” means any
public or private institution of higher education or any employee,
agent, representative, or designee of the institution.
   “Social networking website” means an Internet-based service
that allows individuals to construct a public or semi-public profile
within a bounded system created by the service, create a list of
other users with whom they share a connection within the system,
and view and navigate their list of connections and those made by
others within the system.

2. No public or private institution of higher education in this
State shall:
   a. Require a student or applicant to provide or disclose any
user name or password, or in any way provide access to, a personal
account or service through an electronic communications device.
   b. In any way inquire as to whether a student or applicant has
an account or profile on a social networking website.
   c. Prohibit a student or applicant from participating in
activities sanctioned by the institution of higher education, or in any
other way discriminate or retaliate against a student or applicant, as
a result of the student or applicant refusing to provide or disclose
any user name, password, or other means for accessing a personal
account or service through an electronic communications device as
provided in subsection a. of this section.

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

4. Upon violation of any provision of this act, an aggrieved
person may, in addition to any other available remedy, institute a
civil action in a court of competent jurisdiction, within one year
from the date of the alleged violation. In response to the action, the
court may, as it deems appropriate, order or award any one or more
of the following:

a. With respect to an applicant:
   (1) injunctive relief;
   (2) compensatory and consequential damages incurred by the
       applicant as a result of the violation, taking into consideration any
       failure to admit the applicant in connection with the violation; and
   (3) reasonable attorneys’ fees and court costs.

b. With respect to a current or former student:
   (1) injunctive relief as it deems appropriate;
   (2) compensatory and consequential damages incurred by the
       student or former student as a result of the violation; and
   (3) reasonable attorneys’ fees and court costs.

5. This act shall take effect immediately.

STATEMENT

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

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

Finally, for purposes of the bill: “applicant” means an applicant
for admission into a public or private institution of higher
education; “electronic communications device” means any device
that uses electronic signals to create, transmit, and receive information, including a computer, telephone, personal digital assistant, or other similar device; “public or private institution of higher education” means any public or private institution of higher education or any employee, agent, representative, or designee of the institution; and “social networking website” means an Internet-based service that allows individuals to construct a public or semi-public profile within a bounded system created by the service, create a list of other users with whom they share a connection within the system, and view and navigate their list of connections and those made by others within the system.

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