

SENATE FILE NO. SF0020

Student digital information privacy.

Sponsored by: Joint Education Interim Committee

A BILL

for

1 AN ACT relating to education; prohibiting an officer or
 2 employee of a school district from requiring access to a
 3 digital information account of a student or prospective
 4 student; prohibiting waiver of rights; providing
 5 exceptions; and providing for an effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 21-4-701 is created to read:

10

11 ARTICLE 7

12 STUDENT DIGITAL INFORMATION PRIVACY

13

14 **21-4-701. Student digital information privacy;**
 15 **prohibited acts; exceptions.**

16

1 (a) No officer or employee of a school district
2 organized within this state shall:

3

4 (i) Require a student or prospective student to
5 disclose or to provide access to a digital information
6 account through the student's or prospective student's
7 username, password or other means of authentication that
8 provides access;

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10 (ii) Require a student or prospective student to
11 access a digital information account in the presence of any
12 officer or employee of the school district in a manner that
13 enables the officer or employee to observe the contents of
14 the digital information account;

15

16 (iii) Require a student or prospective student
17 to provide the student's or prospective student's
18 electronic communication device for the purpose of enabling
19 the officer or employee to observe the contents of the
20 student's or prospective student's digital information
21 account by way of the device;

22

1 (iv) Compel a student or prospective student to
2 add anyone to the student's or prospective student's list
3 of contacts associated with a digital information account
4 or require or cause a student or prospective student to
5 change the privacy settings associated with a digital
6 information account;

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8 (v) Expel, discharge, discipline, fail or refuse
9 to admit or otherwise penalize or threaten a student or
10 prospective student for refusing to disclose information or
11 to take action specified in this section;

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13 (vi) Require a student or prospective student to
14 waive or limit any protection granted under this section.

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16 (b) Nothing in this section shall prohibit an officer
17 or employee of a school district from:

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19 (i) Conducting an investigation, without
20 requiring access to a digital information account through
21 username, password or other means of authentication, for
22 the purpose of ensuring compliance with applicable law or
23 school policies against student misconduct based on the

1 receipt of specific information about activity associated
2 with a student's digital information account;

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4 (ii) Requesting or receiving written or
5 electronic consent from a student or prospective student,
6 if emancipated or eighteen (18) years of age or older, or
7 the student's or prospective student's parent or legal
8 guardian, if the student or prospective student is an
9 unemancipated minor, to observe the contents of a digital
10 information account, without requiring access to the
11 account through username, password or other means of
12 authentication;

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14 (iii) Viewing, accessing or utilizing
15 information about a student or prospective student that is
16 publicly available or self-reported;

17

18 (iv) Obtaining an electronic communication
19 device of a student or prospective student for the purpose
20 of providing information technology support with the
21 voluntary consent of the student or prospective student.

22

1 (c) Nothing in this section shall apply to an account
2 opened, created or provided by a school district if the
3 student has been provided advance notice the account may be
4 monitored at any time by an officer or employee of the
5 school district.

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7 (d) Nothing in this section shall be construed to
8 prohibit or restrict a student or prospective student from
9 self-disclosing a username, password or other means of
10 authentication that provides access to the student's or
11 prospective student's digital information account or
12 content if the student or prospective student has been
13 provided advance notice that disclosure is voluntary.

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15 (e) This section does not create a duty for an
16 officer or employee of a school district to search or
17 monitor the activity of a student's or prospective
18 student's digital information account.

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20 (f) If an officer or employee of a school district
21 gains access to an unemancipated minor's digital
22 information pursuant to subsection (a) or paragraph (b)(i)
23 or (ii) of this section, the officer or employee shall

1 notify the parent or legal guardian of the student as soon
2 as practical and in no event more than twenty-four (24)
3 hours after the content has been viewed or access has been
4 granted to the student's digital information account.

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6 (g) For purposes of this section, "digital
7 information account" means an electronic service or account
8 used to communicate or store digital assets.

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10 **Section 2.** W.S. 21-3-110(a) by creating a new
11 paragraph (xxxv) is amended to read:

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13 **21-3-110. Duties of boards of trustees.**

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15 (a) The board of trustees in each school district
16 shall:

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18 (xxxv) Ensure compliance with W.S. 21-4-701.

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20 **Section 3.** This act is effective July 1, 2017.

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22

(END)