

16106069D

SENATE BILL NO. 438

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on March 7, 2016)

(Patron Prior to Substitute—Senator Barker)

A *BILL to amend and reenact § 23-2.1:3 of the Code of Virginia, relating to public institutions of higher education; social media accounts; disclosure.*

Be it enacted by the General Assembly of Virginia:

1. That § 23-2.1:3 of the Code of Virginia is amended and reenacted as follows:

§ 23-2.1:3. Student records and personal information; social media.

A. *As used in this section:*

"Social media account" means a personal account with an electronic medium or service through which users may create, share, or view user-generated content, including, without limitation, videos, photographs, blogs, podcasts, messages, emails, or website profiles or locations. "Social media account" does not include an account (i) opened by a student at the request of a public or private institution of higher education or (ii) provided to a student by a public or private institution of higher education such as the student's email account or other software program owned or operated exclusively by a public or private institution of higher education.

B. Each public and private institution of higher education may require that any student accepted to and who has committed to attend, or is attending, such institution provide, to the extent available, from the originating secondary school and, if applicable, any institution of higher education he has attended a complete student record, including any mental health records held by the school. These records shall be kept confidential as required by state and federal law, including the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.

C. No public institution of higher education shall sell students' personal information, including names, addresses, phone numbers, and email addresses, to any person. This subsection shall not apply to transactions involving credit, debit, employment, finance, identity verification, risk assessment, fraud prevention, or other transactions initiated by the student.

~~D.~~ D. No public or private institution of higher education shall require a student to disclose the username or password to any of such student's personal social media accounts. Nothing in this subsection shall prevent a campus police officer appointed under Chapter 17 (§ 23-232 et seq.) from performing his official duties.