

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4 [S 438]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 23-2.1:3 of the Code of Virginia is amended and reenacted as follows:**8 **§ 23-2.1:3. Student records and personal information; social media.**9 **A. As used in this section:**

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

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

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

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