

Illinois Law Prohibits Colleges From Seeking Social Media Passwords From Students

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Illinois Governor Pat Quinn recently signed [H.B. 64](#) in to law, prohibiting institutions of higher education from requiring that students or parents provide access to a student's social media account. The Right to Privacy in the School Setting Act does not protect applicants or prospective students of post-secondary schools. The law also includes an exemption if the school has reasonable cause to believe the social media account has evidence that the student violated a school rule or policy. Under the law, elementary or secondary schools may request social media passwords of students where the social media account might reasonably contain evidence of violation of a school rule or policy. The school must notify the student and parents or guardians that they may request or require that a student provide access to social media where cause exists. The notification must be included in a student handbook or communicated by similar means. The bill will be effective January 1, 2014.

TIP: Post-secondary schools in Illinois should be aware of this new Act, which is similar to the previous Illinois law curtailing an employer's ability to request social media log-in information from current or prospective employees (click [here](#) for briefing).

This tip has been created for information and planning purposes. They are not intended to be, nor should they be substituted for, legal advice, which turns on specific facts.

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