

CHAPTER 75

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:*

C.18A:3-29 Definitions relative to disclosure of personal information for certain electronic communications devices to institutions of higher education.

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.

C.18A:3-30 Actions prohibited by institution of higher education.

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.

C.18A:3-31 Waiver, limitation of protection by student, requirement prohibited.

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.

C.18A:3-32 Violations, remedies.

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.

Approved December 3, 2012.