

July 6, 2016

Members of the Uniform Law Commission
111 N. Wabash Avenue, Suite 1010
Chicago, Illinois 60602

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Dear Commissioner:

As civil liberties groups, advocacy organizations, student and parent rights coalitions, and a union representative, we write to you today to exoexocotoccommittee for approval at the upcoming annual meetin

fails to accomplish that goal in light of its significant deficiencies. While it purports to protect both employees and students, its broad and vaguely worded exceptions and limitations overshadow any protections the bill attempts to provide—doing next to nothing to prevent school administrators and employers from coercing or requiring students and employees to turn over highly sensitive social media account information. These provisions do not comport with the Fourth or Fifth Amendment, and will result in only further invasions of student and employee privacy.

We ask that you not adopt this bill until these issues have been adequately addressed. If these issues are not addressed, we urge you to reject the proposed bill in its entirety. Three of the bill's provisions are most problematic:

First, the bill authorizes state employers and public educational institutions to require an employee or student to turn over information related to their social media account, including login information and social media content, based merely on “specific information about the student’s protected personal online account,” in order to (i) ensure compliance with, or investigate non-compliance with, federal or state law or an educational institution policy; or (ii) “to protect against . . . a threat to health or safety[.]”

The U.S. Supreme Court made clear in *Riley v. California*, 134 S. Ct. 2473 (2014), that searches involving technology and electronic devices are grave invasions of personal privacy in ways that physical searches could never be. That case involved cell phones, which the court recognized as especially important due to the many kinds of information they contain: “Modern cell phones, as a category, implicate privacy concerns far beyond those implicated by the search of a cigarette pack, a wallet, or a purse. . . . The term ‘cell phone’ is itself misleading shorthand; many of these devices are in fact minicomputers that also happen to have the capacity to be used as a telephone.” *Id.* at 2488–89. Social media accounts contain similarly vast amounts of personal information and implicate the very same concerns. Permitting government agents access to students’ and employees’ social media

Thank you for your time and attention to this matter.

Sincerely,

American Civil Liberties Union

National Coalition Against Censorship

American Library Association

Bill of Rights Defense Committee

Network for Public Education Action

Center for Democracy & Technology

NYS Alliances for Public Education

Center for Digital Democracy

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Common Sense Kids Action

Constitutional Alliance

Consumer Watchdog

Defending Dissent Foundation

Demand Progress

Electronic Frontier Foundation

Fight for the Future

Free Speech Coalition

Government Accountability Project

Michelle Castro, SEIU California,
Director of Government Relations