

**ULC DRAFTING COMMITTEE ON SOCIAL MEDIA PRIVACY  
MINUTES FOR THE CONFERENCE CALL OF NOVEMBER 17, 2014**

Participating on the Call

*Commissioners:* Sam Thumma (Chair), Jerry Bassett, Nicole Bordonaro, Diane Boyer-Vine, Steve Chow, Brian Flowers, Bill Henning, Daniel Ivey-Soto, Lisa Jacobs, James Mann, Ann Robinson, Steve Wilborn  
*Reporter:* Dennis Hirsch  
*ABA Advisor:* Fritz Langrock  
*Observers:* See Observer roster; no Observer roll taken  
*ULC Staff:* John Sebert, Casey Gillece

Introduction

Chair Thumma convened the call, welcoming all participants. Reporter Dennis Hirsch introduced himself and provided information about his background and interests relevant to the work of the Committee. Commissioner members of the Committee and ABA Advisor Fritz Langrock then introduced themselves. Although time did not allow for the introduction of Observers, Chair Thumma welcomed the Observers, thanked them all for joining the call and participating in the project and emphasized the important role of Observers in the project.

Style Committee Role

Commissioner Bassett and Commissioner Boyer-Vine explained the role of the ULC Style Committee, and the likely review and revision process the Committee's draft act would undergo.

Overview and Review of Charge

Chair Thumma encouraged all on the call to review the background materials that had been provided via email, many of which were prepared by the Social Media Privacy Study Committee. He thanked the Social Media Privacy Study Committee, and Chair of that Committee Fred Stamp, for their good work in providing a foundation for the Drafting Committee. Chair Thumma next reviewed the Committee's charge:

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a Drafting Committee on Social Media Privacy be formed, and that the scope of the Act be limited to issues related to employer's access to employees' or prospective employees' social media accounts and educational institution's access to students' or prospective students' social media accounts.

In light of the charge for a draft act in the employment and education areas, Chair Thumma encouraged Committee members to consider other names for the act that would reflect its more limited nature.

## Timing and Logistics

Chair Thumma stated the Committee would meet in person on February 27 – March 1, 2015 in Washington, D.C., and April 17 – 19, 2015 in Chicago, Illinois. He also indicated the Committee would hold another conference call before the first in-person meeting. That call would probably last 90 minutes and be more substantive in nature.

## Issues to Address

Reporter Hirsch provided an overview of the key categories of issues the Committee should consider, including:

- The scope of what to include (i.e., definitions: what is an employer, what is an educational institution, what is social media?)
- Requirements (i.e., what are the prohibitions?)
- Exceptions to prohibitions
- Enforcement (i.e., what should the mechanism of enforcement be: misdemeanor, administrative remedy, private right of action?)

## Additional Observers

The Committee discussed whether to invite additional observers to participate. Commissioner Flowers suggested including representatives from the law enforcement field. John Sebert noted that NAAG and NDAA are both currently listed as Observers. Commissioner Chow suggested involving entities or individuals concerned with bullying issues. Reporter Hirsch recommended that representatives from the following list of categories of interests be on the Observer roster (some of whom are already represented):

- Employers
- Employees (labor)
- Educational institutions
- Students
- Social media industry
- Privacy advocates
- Academics
- State legislators/advisors to state legislatures

## Next Steps

Reporter Hirsch and Chair Thumma will prepare a memorandum with issues for consideration by the Committee in advance of the next call. Chair Thumma concluded the meeting by thanking the Committee for their participation.