



WHY STATES SHOULD ADOPT THE UNIFORM EMPLOYEE AND STUDENT ONLINE PRIVACY PROTECTION ACT (2016)

The Uniform Employee and Student Online Privacy Protection Act (UESOPPA) responds to incidents in which employers and educational institutions demanded that employees and students provide access to the employees' and students' personal online accounts. The act prevents employers and public and private post-secondary educational institutions—which hold significant power over employees and students—from coercing access to such information. It thereby enables employees and students to make decisions to maintain the privacy of their personal online accounts.

- **More than just social media accounts.** UESOPPA protects the login information for and non-public content of an individual's protected personal online account. A protected personal online account can be a variety of things, including an online bank or trading account, an electronic mail account or a social media account.
- **Employee broadly defined.** The act protects not only full-time employees but also part-time employees, independent contractors, unpaid interns, and prospective employees.
- **Protects students.** The act protects not only current post-secondary students, but also prospective students. Because some students are minors, the definition of "student" includes "a parent or guardian" of a minor student so that these parents and guardians can enforce the rights of their students.
- **Bolsters individual choice.** UESOPPA allows employees and students to voluntarily share non-public protected personal online account information with their employers or educational institutions, should they choose to do so.
- **Exceptions for employers and educational institutions.** Recognizing that there are some instances where employers and educational institutions have a strong and justifiable interest in having the act's prohibitions lifted, the act contains a number of important, narrowly-tailored exceptions. For example, an employer may need to access content in an employee's account in order to comply with a court order. This act would not prohibit this. The act contains other exceptions to its protections.
- **Technology neutral.** The act uses technology-neutral language so that it does not need to be continually updated to stay current with new technological developments. For example, the definition of "login information" refers not only to passwords and usernames but also to any "other means or credentials of authentication" required to control or gain access to an online account. This would include emerging methods of authentication such as bio-metric identification (*e.g.* finger-print recognition).
- **Fosters uniformity.** Jurisdictions across the country are grappling with the issue of how to protect student and employee privacy. As state legislatures take action in this area, there is an increasing need for greater consistency in approaches. Adoption of this uniform act will help employers, educational institutions, employees, students, technology service providers, practitioners, judges, and others to effectively apply, comply with, or enforce the law.

For further information about UESOPPA, please contact Libby Snyder, Legislative Counsel at (312) 450-6619 or lsnyder@uniformlaws.org.