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### FISCAL IMPACT REPORT

			<b>ORIGINAL DATE</b>	02/15/13		
SPONSOR	SJC		LAST UPDATED	03/14/13	HB	
			-			
SHORT TITLE		No College Requests for Student Social Media S			SB	CS/422/aSFl#1/aHEC

No College Requests for Student Social Media **SB** CS/422/aSFl#1/aHEC

ANALYST Roberts

#### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI	NFI	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Relates to SB 371

# SOURCES OF INFORMATION

LFC Files

**Responses Received From** Higher Education Department (HED)

#### SUMMARY

#### Synopsis of HEC Amendment

The House Education Committee amendment to the Senate Judiciary Committee substitute for Senate Bill 422 is technical clean up. It strikes the word "refual" and replaces with "refusal".

#### Synopsis of SFl #1 Amendment

The Senate Floor #1 amendment to the Senate Judiciary Committee substitute for Senate Bill 422 includes technical clean up in which "higher education" is stricken and replaced with "postsecondary education" so that language in the bill remains consistent.

Synopsis of Original Bill

The Senate Judiciary Committee substitute for Senate Bill 422 (SB 422) prohibits a public or private institution of postsecondary education from requesting or requiring a student, applicant, or potential applicant for admission to provide a password to gain access to the student's, applicant's or potential applicant's account or profile on a social networking web site or to demand access in any manner to a student's, applicant's or potential applicant's account or

#### Senate Bill CS/422/aSFl#1/aHEC – Page 2

profile on a social networking web site. Further, the substitute bill stipulates that it is unlawful for public or private institutions of higher education to:

- Deny admission to an applicant or potential applicant for admission on the basis of applicant or potential applicant's refusal to provide access to the applicant or potential applicant's account or profile on a social media networking site.
- To take any disciplinary action against a student for the student's refusal to grant access to the student's account or profile on a social media networking site.

Subsection D of SB 422 permits a public or private institution of post-secondary education from obtaining information about a student, applicant or potential applicant for admission that is in the public domain.

Lastly, the bill creates a definition for "social networking website."

### FISCAL IMPLICATIONS

No fiscal impact.

#### SIGNIFICANT ISSUES

The HED in its previous analysis of the original bill indicated that the intersection between social media, privacy rights and employer interests (e.g., protection of employer trade secrets, among others) is not yet codified, but there is an international trend favoring the prohibition of employers from requiring social media password from employees or prospective employees. This trend is now starting to include high education institutions with regard to students and prospective students.

### ADMINISTRATIVE IMPLICATIONS

Public and private institutions of postsecondary education would be responsible for compliance with SB 422.

The HED reported that there are no apparent implications to the Department, however there may be additional recurring costs for administration in the future.

### RELATIONSHIP

SB 371 is a related bill that prohibits prospective employers from requesting or requiring a prospective employee to provide a password or access to the prospective employee's social networking account.

### **OTHER SUBSTANTIVE ISSUE**

The National Conference of State Legislatures reports as of February 2013, legislation has been introduced or is pending in at least 21 states to prevent employers from requesting passwords to keep personal internet accounts—including email, banking and social networking sites—to get or keep a job. Some states have similar legislation to protect students in public colleges and universities from having to grant access to their social networking accounts.

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## ALTERNATIVES

There is no law addressing this issue at this time.

MIR/blm:svb