

**File Number:** H.F. 2591  
**Version:** As Introduced

**Date:** March 16, 2018

**Authors:** Lesch

**Subject:** Uniform Employee and Student Online Privacy Protection Act (UESOPPA)

**Analyst:** Nathan Hopkins (651-296-5056)

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: [www.house.mn/hrd/](http://www.house.mn/hrd/).

### Overview

This bill creates a new chapter in the Minnesota Statutes enacting the Uniform Employee and Student Online Privacy Protection Act (UESOPPA), which is uniform data privacy legislation proposed by the National Conference of Commissioners on Uniform State Laws. No other states have currently enacted the uniform law, but it was also introduced this year in Hawaii and New York.

The bill prohibits employers and educational institutions from accessing nonpublic information in the online account (e.g. social media accounts) of their employees and students.

#### Section

- 1 **Short title.** This new chapter of law may be cited as the “Uniform Employee and Student Online Privacy Protection Act.”
- 2 **Definitions.** Provides definitions for UESOPPA. The definitions distinguish a “protected personal online account” from online account information that is “publicly available.”
- 3 **Protection of employee online account.** Prohibits an employer from requiring, coercing, or requesting an employee to reveal a protected personal online account. Provides exceptions for certain misconduct investigations and threats to safety or property.
- 4 **Protection of student online account.** Prohibits an educational institution from requiring, coercing, or requesting a student to reveal a protected personal online account. Provides exceptions for certain misconduct investigations and threats to safety or property.

**Section**

- 5**        **Civil action.** Allows an employee/student who has been affected by an UESOPPA violation to bring a civil action against the employer/educational institution. Also permits the attorney general to bring an action to enforce UESOPPA.
- 6**        **Uniformity of application and construction.** Instructs a court, in interpreting Minnesota's UESOPPA law, to construe it in a manner consistent with UESOPPA law enacted in other states.
- 7**        **Relation to Electronic Signatures In Global And National Commerce Act (E-SIGN).** The E-Sign Act is a federal law providing a general rule of validity for electronic records and signatures for transactions in or affecting interstate or foreign commerce. The E-Sign Act allows the use of electronic records to satisfy any statute, regulation, or rule of law requiring that such information be provided in writing, if the consumer has affirmatively consented to such use. The E-SIGN Act contains an exemption to preemption, which permits a state statute to modify, limit, or supersede E-SIGN under some circumstances.
- 8**        **Severability.** Provides that the invalidity on one UESOPPA provision does not affect other provisions that can stand independent of that invalid provision.
- 9**        **Effective date.** Effective August 1, 2017.