

HOUSE BILL NO. HB0009

Student ownership and privacy rights.

Sponsored by: Joint Education Interim Committee

A BILL

for

1 AN ACT relating to public education; prohibiting the
2 conveyance or transfer of ownership rights of writings and
3 other communications created by a student at the University
4 of Wyoming or any community college in the state as
5 specified; providing for an expectation of privacy in
6 student writings and other communications as specified;
7 specifying applicability; and providing for an effective
8 date.

9

10 *Be It Enacted by the Legislature of the State of Wyoming:*

11

12 **Section 1.** W.S. 21-17-124 and 21-18-318 are created
13 to read:

14

15 **21-17-124. Student electronic writings and other**
16 **electronic communications; expectation of privacy.**

1

2 (a) No ownership rights to any electronic writing or
3 other electronic communication created by a student shall
4 be conveyed, transferred or otherwise affected solely as a
5 result of the writing or other communication being stored
6 on an electronic device paid for in whole or in part by the
7 university or transmitted or stored on the university's
8 network.

9

10 (b) Students at the university shall have an
11 expectation of privacy in the electronic writings and other
12 electronic communications created by the student regardless
13 of whether the writing or other communication is stored on
14 an electronic device paid for in whole or in part by the
15 university or transmitted or stored on the university's
16 network. The university shall not require a student to
17 waive or limit the student's expectation of privacy
18 specified under this subsection. This subsection shall not
19 apply to writings or other communications:

20

21 (i) Publicly disclosed, released or conveyed by
22 the student or otherwise made available for observation by
23 the student in such a manner that a person would not

1 reasonably expect the writing or other communication would
2 remain undisclosed to others;

3

4 (ii) Accessed by the university in cases where
5 there is a technological requirement to support and
6 maintain the university's electronic device or network.
7 Writings or other communications viewed during the
8 technological support or maintenance of the electronic
9 device or network shall be limited to only those writings
10 or other communications required to address the specific
11 technical issue and shall not be used or distributed to any
12 other person or entity unless otherwise mandated by federal
13 or state law.

14

15 (c) The property rights and expectation of privacy
16 provided in subsections (a) and (b) of this section do not
17 apply to a writing or other communication created by a
18 student who is simultaneously employed by and enrolled at
19 the university if the writing or other communication is
20 created when the person is acting in an official capacity
21 as an employee of the university. Nothing in this
22 subsection shall be construed to diminish the property

1 rights or expectation of privacy of persons acting in the
2 capacity of an employee of the university.

3

4 (d) Nothing in this section shall be construed to:

5

6 (i) Impose, by operation of law, or require the
7 university to accept or prohibit the university from
8 accepting any liability or responsibility for collecting,
9 maintaining, storing or otherwise recording writings and
10 other communications created by a student;

11

12 (ii) Require the university to establish or
13 prohibit the university from establishing standards on the
14 retention and destruction of student writings and other
15 communications.

16

17 (e) For purposes of this section, "student" means any
18 person currently enrolled full time or part time at the
19 university.

20

21 **21-18-318. Student electronic writings and other**
22 **electronic communications; expectation of privacy.**

23

1 (a) No ownership rights to any electronic writing or
2 other electronic communication created by a student shall
3 be conveyed, transferred or otherwise affected solely as a
4 result of the writing or other communication being stored
5 on an electronic device paid for in whole or in part by a
6 community college within the state or transmitted or stored
7 on a community college's network.

8

9 (b) Students at a community college in the state
10 shall have an expectation of privacy in the electronic
11 writings and other electronic communications created by the
12 student regardless of whether the writing or other
13 communication is stored on an electronic device paid for in
14 whole or in part by the community college or transmitted or
15 stored on the community college's network. A community
16 college shall not require a student to waive or limit the
17 student's expectation of privacy specified under this
18 subsection. This subsection shall not apply to writings or
19 other communications:

20

21 (i) Publicly disclosed, released or conveyed by
22 the student or otherwise made available for observation by
23 the student in such a manner that a person would not

1 reasonably expect the writing or other communication would
2 remain undisclosed to others;

3

4 (ii) Accessed by a community college in cases
5 where there is a technological requirement to support and
6 maintain the community college's electronic device or
7 network. Writings or other communications viewed during the
8 technological support or maintenance of the electronic
9 device or network shall be limited to only those writings
10 or other communications required to address the specific
11 technical issue and shall not be used or distributed to any
12 other person or entity unless otherwise mandated by federal
13 or state law.

14

15 (c) The property rights and expectation of privacy
16 provided in subsections (a) and (b) of this section do not
17 apply to a writing or other communication created by a
18 student who is simultaneously employed by and enrolled at a
19 community college if the writing or other communication is
20 created when the person is acting in an official capacity
21 as an employee of the community college. Nothing in this
22 subsection shall be construed to diminish the property

1 rights or expectation of privacy of persons acting in the
2 capacity of an employee of a community college.

3

4 (d) Nothing in this section shall be construed to:

5

6 (i) Impose, by operation of law, or require a
7 community college to accept or prohibit a community college
8 from accepting any liability or responsibility for
9 collecting, maintaining, storing or otherwise recording
10 writings and other communications created by a student;

11

12 (ii) Require a community college to establish or
13 prohibit a community college from establishing standards on
14 the retention and destruction of student writings and other
15 communications.

16

17 (e) For purposes of this section, "student" means any
18 person currently enrolled full time or part time at a
19 community college in the state.

20

21 **Section 2.** This act is effective July 1, 2017.

22

23

(END)