

# **PERSONAL ONLINE ACCOUNT PRIVACY PROTECTION ACT**

**LOUISIANA FEDERATION OF TEACHERS**  
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**Note: This is dated material and is subject to change. Revised Sept. 2014**

## **Louisiana Revised Statute 51:1951**

This Chapter shall be known and may be cited as the "Personal Online Account Privacy Protection Act".

## **Louisiana Revised Statute 51:1952. Definitions**

As used in this Chapter, the terms defined in this Section have the meanings herein given to them, except where the context expressly indicates otherwise:

(1) "Educational institution" means a public or private educational institution or a separate school or department of a public or private educational institution and includes but is not limited to the following:

- (a) A university, college, or junior college.
- (b) An academy.
- (c) An elementary or secondary school.
- (d) An extension course.
- (e) A kindergarten.
- (f) A nursery school.
- (g) A school system, school district, or intermediate school district.
- (h) A business, nursing, professional, secretarial, technical, or vocational school.
- (i) A public or private educational testing service or test administrator.
- (j) An agent of an educational institution.

(2) "Electronic communications device" means any device that uses electronic signals to create, transmit, and receive information, including a computer, telephone, personal digital assistant, or other similar device.

(3) "Employer" means a person, including a unit of state or local government, engaged in a business, industry, profession, trade, or other enterprise in this state and includes an agent, representative, or designee of the employer.

(4) "Personal online account" means an online account that the employee, applicant for employment, student, or prospective student uses exclusively for personal communications unrelated to any business purpose of the employer or educational institution. A personal online account does not extend to any account or profile created, serviced, maintained, used, or accessed by a current employee, applicant for employment, student, or prospective student for either business purposes of the

employer or educational institution or to engage in business-related communications.  
*Added by Acts 2014, No. 165, § 1.*

**Louisiana Revised Statute 51:1953. Employers; prohibited activities; exceptions**

A. An employer shall not do any of the following:

(1) Request or require an employee or applicant for employment to disclose any username, password, or other authentication information that allows access to the employee's or applicant's personal online account.

(2) Discharge, discipline, fail to hire, or otherwise penalize or threaten to penalize an employee or applicant for employment for failure to disclose any information specified in this Subsection.

B. An employer shall not be prohibited from doing any of the following:

(1) Requesting or requiring an employee or applicant for employment to disclose any username, password, or other authentication information to the employer to gain access to or operate any of the following:

(a) An electronic communications device paid for or supplied in whole or in part by the employer.

(b) An account or service provided by the employer, obtained by virtue of the employee's or applicant's relationship with the employer, or used for the employer's business purposes.

(2) Disciplining or discharging an employee for transferring the employer's proprietary or confidential information or financial data to an employee's personal online account without the employer's authorization.

(3) Conducting an investigation or requiring an employee or applicant to cooperate in an investigation in any of the following circumstances:

(a) If there is specific information about activity on the employee's personal online account, for the purpose of ensuring compliance with applicable laws, regulatory requirements, or prohibitions against work-related employee misconduct.

(b) If the employer has specific information about an unauthorized transfer of the employer's proprietary information, confidential information, or financial data to an employee's or applicant's personal online account.

(4) Conducting an investigation or requiring an employee or applicant to cooperate in an investigation as specified in this Subsection, including requiring the employee or applicant to share the content that has been reported in order to make a factual determination, without obtaining the username and password to the employee's or applicant's personal online account.

(5) Restricting or prohibiting an employee's or applicant's access to certain websites while using an electronic communications device paid for or supplied in whole or in part by the employer or while using an employer's network or resources, in

accordance with state and federal law.

C. If through the use of an electronic device or program that monitors an employer's network or the use of an employer-provided device, an employer inadvertently receives an employee's or applicant's username, password, or other authentication information, the employer shall not be liable for having the information, but shall not use the information to access the employee's or applicant's personal online account.

D. An employer shall not be prohibited or restricted from complying with a duty to screen employees or applicants prior to hiring or to monitor or retain employee communications that are established pursuant to state or federal law, rules or regulations, case law, or rules of self-regulatory organizations.

E. An employer shall not be prohibited or restricted from viewing, accessing, or utilizing information about an employee or applicant that can be obtained without the information specified in Paragraph (A)(1) of this Section or that is available in the public domain.

F. An employer shall not be prohibited or restricted from requiring an employee to provide a personal e-mail address in order to facilitate communication with the employee in the event the employer's e-mail system fails.

G. Nothing in this Section shall be construed to prohibit or restrict an employee or applicant for employment from self-disclosing any username, password, or other authentication information to the employer that allows access to the employee's or applicant's personal online account. *Added by Acts 2014, No. 165, § 1.*

**Louisiana Revised Statute 51:1954 Educational institutions; prohibited activities; exceptions**

A. An educational institution shall not do any of the following:

(1) Request or require a student or prospective student to disclose any username, password, or other authentication information that allows access to the student's or prospective student's personal online account.

(2) Expel, discipline, fail to admit, or otherwise penalize or threaten to penalize a student or prospective student for failure to disclose any information specified in this Subsection.

B. An educational institution shall not be prohibited from requesting or requiring a student or prospective student to disclose any username, password, or other authentication information to the educational institution to gain access to or operate any of the following:

(1) An electronic communications device paid for or supplied in whole or in part by the educational institution, except where the device has been provided to the student or prospective student with the intent to permanently transfer ownership of the device to the student or prospective student.

(2) An account or service provided by the educational institution that is either obtained by virtue of the student's or prospective student's admission to the educational institution or used by the student or prospective student for educational

purposes.

C. An educational institution shall not be prohibited from doing any of the following:

(1) Viewing, accessing, or utilizing information about a student or prospective student that can be obtained without the information specified in Paragraph (A)(1) of this Section or that is available in the public domain.

(2) Restricting or prohibiting a student's or prospective student's access to certain websites while using an electronic communications device paid for or supplied in whole or in part by the educational institution or while using an educational institution's network or resources, in accordance with state and federal law, except where the device has been provided to the student or prospective student with the intent to permanently transfer the ownership of the device to the student or prospective student.

D. Nothing in this Section shall be construed to prohibit or restrict a student or prospective student from self-disclosing any username, password, or other authentication information to the educational institution that allows access to the student's or prospective student's personal online account. *Added by Acts 2014, No. 165, § 1.*

**Louisiana Revised Statute 51:1955 No duty to monitor; liability**

A. This Chapter shall not create a duty for an employer or educational institution to search or monitor the activity of an individual's personal online account.

B. An employer or educational institution shall not be liable under this Chapter for failure to request or require an employee, a student, an applicant for employment, or a prospective student to disclose information that allows access to the employee's, student's, applicant's, or prospective student's personal online account. *Added by Acts 2014, No. 165, § 1.*