

Attorney General Denn, Lawmakers, to Introduce Legislation Aimed to Protect Online Privacy

WILMINGTON, DE – Legislators and Attorney General Matt Denn announced legislation Friday designed to protect privacy pertaining to the internet and social media. The package of four bills provides a wide range of protections for people with regard to their identities and online activities.



Attorney General Matt Denn with some of the sponsors of online privacy legislation (L to R – Rep. Michael Barbieri, Rep. Earl Jaques, Attorney General Denn, Rep. Bryon Short, and Rep. Michael Ramone).

“Using the internet at work, home, school, and for recreation has become an everyday occurrence for the overwhelming majority of people,” said Attorney General Matt Denn. “As a result, we have to do everything possible to protect the privacy and personal information of Delawareans.”

The bills would create an Online Privacy Act, a Victim Online

Privacy Act, protect students' information while allowing education officials to collect data, and ensure the right to privacy for an employee's social media account information from employers.

"Each of the four pieces of legislation addresses different privacy concerns," Denn said, "so I look forward to the General Assembly approving each bill, in order to give everyone the utmost protection."

Delaware Online Privacy and Protection Act – to be sponsored by Sen. Patricia Blevins and Rep. Pete Schwartzkopf

Restricts the ability of internet services to permit marketing of certain products and services (such as alcohol, tobacco, firearms, body-piercing, etc.) to children. It also requires commercial internet services that collect personally identifiable information about users to post a privacy policy explaining how it uses that information the internet service uses that information. Finally, the Act would restrict the ability of online book service providers from disclosing information about customers' reading choices, since what people read can reveal or imply much about them.

"The Internet should remain open and accessible to its users, but it also shouldn't be the Wild West where anything goes," said Sen. Patricia Blevins. "This bill offers some common-sense safeguards to protect the privacy of Delawareans."

"Decades ago, cigarette companies advertised on television, where they could easily reach children. Government put a stop to that practice. Today, we have children and teens using social media sites and being bombarded with ads for alcohol, tobacco products, weapons and other things that are not appropriate – or even legal – for people that age," said House Speaker Pete Schwartzkopf. "This bill will be an important tool in protecting our children from these ads and also addressing the issue of companies collecting our personally

identifiable information and how they use it. We need to be on the forefront of social media laws, and this package of bills is a good step in that direction.”

Victim Online Privacy Act – to be sponsored by Sen. Blevins and Reps. Michael Barbieri and Deborah Hudson

This Act is an extension of the Department Of Justice Address Confidentiality Program. Under this bill, it would be unlawful to publicly display, post online, or solicit, sell, or trade online the address, image, or telephone number of a participant in DOJ’s Address Confidentiality Program for the purpose of inciting someone to commit violence or harm against that person or members of their household. It will also outlaw a person’s ability to publicly display or post such information online if the program participant or their representative has made a written demand on the person to stop.

“Protecting victims of violent crime from attempts at revenge or intimidation is of paramount importance and this legislation offers victims some additional peace of mind when it comes to their personal safety,” said Sen. Patricia Blevins.

“It is our responsibility to provide adequate protection for those who are victims of – or witness to – a crime so that they do not feel intimidated or threatened. This is a first step,” said Rep. Michael Barbieri. “We must work hard to make sure we foster the idea of a safe community where intimidation is not tolerated.”

“As a longtime volunteer member of the Domestic Violence Coordinating Council, I am fully supportive of any effort to protect a crime victim’s identity and to keep him or her as safe as possible, said Rep. Deborah Hudson. “The Victim Online Privacy Act will greatly assist in that continuing effort.”

Employer Use of Social Media – to be sponsored by Sen. Bryan

Townsend and Rep. Bryon Short

This bill will prohibit employers from requiring employees, or applicants, to disclose information that would give the employer access to their personal social media accounts, or to log in so the employer may access such accounts. The bill does respect employers' rights to investigate and penalize conduct which harms or reflects poorly on the employer. The Act does not restrict employers' existing control over accounts created for their business purposes and the activities of their employees on such accounts, any electronic device issued or paid for by the company, and their own networks.

"While employers certainly have the right to monitor employees' social media activity, they don't have a right to demand access to their workers' private social media accounts, and this legislation would clearly codify that," said Sen. Bryan Townsend, who chairs the Senate Banking and Business Committee.

"More and more, people are including a lot of personal information on their social media sites. Giving an employer or potential employer access to those accounts is akin to letting a stranger read your personal journal," said Rep. Bryon Short, the House prime sponsor of the bill. "It's a fine line to walk, between respecting a company's right to know whether an employee is potentially causing harm to the business through their social media behavior, and forcing a worker to give access to his or her sites. This bill respects both the employee and employer and will be an important step forward in social media privacy."

Student Data Privacy Protection Act – to be sponsored by Sen. David Sokola, Reps. Earl Jaques, and Michael Ramone

This bill enables school districts, schools, teachers, and school staff to collect and use student data for appropriate educational purposes while ensuring that the student data is

kept safe and the privacy of students and their parents and guardians is protected. The bill also establishes the duties and responsibilities of operators of internet services used for school purposes with respect to student data they collect, including student personally identifiable information.

“Compiling data is essential for educators to follow the trajectory of a student’s achievement, but that need must be balanced with ensuring that data is safeguarded and does not get into the wrong hands,” said Sen. David Sokola, chair of the Senate Education Committee.

“It is paramount that educational data is safeguard as well as we safeguard our credit card info. Students and parents alike should expect and demand it from us,” said Rep. Earl Jaques. “I’m honored and proud to stand with the Attorney General in creating the Online Privacy & Protection Act. We need to protect our children as these new technologies invade our everyday lives.”

“I am pleased to be a lead sponsor of the Student Data Privacy Act because in an age where a person’s identity can so easily be stolen it’s important that we also do everything we can to secure the data retrieved through our school system,” said Rep. Michael Ramone. “The privacy of both students and their parents and guardians should not be compromised once they walk inside a school building.”