



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 5523 (Substitute S-1 as reported)
Sponsor: Representative Aric Nesbitt
House Committee: Energy and Technology
Senate Committee: Energy and Technology

CONTENT

The bill would create the "Internet Privacy Protection Act" to do the following:

- Prohibit an employer or educational institution from requesting an employee, applicant for employment, student, or prospective student to grant access to or allow observation of his or her personal internet account.
- Prohibit an employer from discharging, disciplining, failing to hire, or otherwise penalizing an employee or applicant, and prohibit an educational institution from expelling, disciplining, failing to admit, or otherwise penalizing a student or prospective student, for failure to grant access to or allow observation of the person's personal internet account.
- Designate a violation of either prohibition as a misdemeanor punishable by a maximum fine of \$1,000.
- Allow an individual who was the subject of a violation to bring a civil action and recover up to \$1,000 in damages plus reasonable attorney fees and court costs.
- Require an individual to make a written demand of the alleged violator for a maximum of \$1,000 before filing a civil action.

The proposed Act would not prohibit an employer or educational institution from taking certain actions, including viewing, gaining access to, or using information about an individual that could be obtained without any required access information (e.g., a user name or password) or that was available in the public domain.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill could result in additional misdemeanor convictions. Increased fine revenue would benefit public libraries. Local courts could face a marginal increase in caseload due to civil actions brought due to alleged violations of the bill.

Date Completed: 11-28-12

Fiscal Analyst: Dan O'Connor