

New legislation in House threatens student privacy on campus

In early February, the U.S. House of Representatives passed the College Opportunity and Affordability Act (H.R. 4137), a bill whose aim is to lower tuition costs and ease the student aid application process, but which includes troubling language concerning privacy and intellectual freedom.

Section 488 of the bill would now require colleges and universities to submit:

- 1) an annual disclosure that explicitly informs students that unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject the students to civil and criminal liabilities;
- 2) a summary of the penalties for violation of federal copyright laws;
- 3) a description of the institution's policies with respect to unauthorized peer-to-peer file sharing, including disciplinary actions that are taken against students who engage in unauthorized distribution of copyrighted materials using the institution's information technology system; and
- 4) a description of actions that the institution takes to prevent and detect unauthorized distribution of copyrighted material on the institution's information technology system.

Simply put, schools would now have to publicize their policies on file-sharing, make an annual report on those policies to the Department of Education, and make plain the steps they have taken to detect file-sharing activities.

Several groups have taken issue with this legislation, claiming that it forces schools to essentially spy on their students.

Requiring universities to spy on their students is an insult to the transparency and openness that is the cornerstone of the

academic community, added Steve Worona, policy director for Educause, a group that represents college and university network operators. Universities are educators, not corporate enforcement tools, he said.

Earlier in the year, the Motion Picture Association of America (MPAA) stated that the piracy of college students accounted for as much as 44 percent of the movie industry's annual losses. Later, though, at an anti-piracy campaign on Capitol Hill, the MPAA lowered the number to 15 percent, and even that number has been questioned.

Related legislation from 2007

In 2007, several hearings regarding piracy and filtering technology, copyright education, and the role of higher education in policing institutional networks were held. Even though data indicates that the bulk of piracy occurs overseas, Congress continued to focus on the individual consumer of protected content with a special scrutiny of college students.

The Freedom and Innovation Revitalizing U.S. Entrepreneurship (FAIR USE) Act of 2007 stalled in the House Judiciary Committee. This bill would amend the Digital Millennium Copyright Act by codifying the Library of Congress exceptions for circumvention of technological measures identified in Section 1201 rulemakings and requiring rights holders to label works that contain technological controls. Rights holders vehemently opposed versions of this bill, introduced in each of the last three Congressional sessions by Rep. Rick Boucher.

A number of bills aimed at boosting copyright enforcement were introduced in both the House and the Senate during this session. The Prioritizing Resources and Organization for Intellectual Property (PRO IP) Act of 2007, about which ALA signed on to a letter of opposition, seemed to lose traction. ALA argued that the PRO IP bill would likely chill innovation and fair use. *TC*

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