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**School Safety and Security: To Require Internet Companies**

**doing business in the Commonwealth of Virginia be required**

**to release information necessary to protect schools**



Current Reality: The Code of Virginia [§19.2-70.3.](https://law.lis.virginia.gov/vacode/title19.2/chapter6/section19.2-70.3/) outlines when providers of electronic communications services or remote computing services must disclose records to investigative or law-enforcement officers but currently, 19.2-70.3 only allows for the immediate disclosure of “real-time location data” by a service provider in cases of missing or abducted children or an “emergency involving the immediate danger to a person.”  There is no mention of threats to a school and there is no mention of immediate disclosure of subscriber data, specifically who the account is registered to, which is necessary to ensure prompt investigations and minimize lost instructional time due to school closures.

RCPS recommends the General Assembly:

## Revise §19.2-70.3(E). to require that Internet Companies doing business in the Commonwealth of Virginia be required to protect schools, health care facilities, and places of worship:

E. When disclosure of real-time location and/or subscriber data is not prohibited by federal law, an investigative or law-enforcement officer may obtain real-time location and/or subscriber data without a warrant in the following circumstances:

1. To respond to the user's call for emergency services;

2. With the informed, affirmative consent of the owner or user of the electronic device concerned if (i) the device is in his possession; (ii) the owner or user knows or believes that the device is in the possession of an employee or agent of the owner or user with the owner's or user's consent; or (iii) the owner or user knows or believes that the device has been taken by a third party without the consent of the owner or user;

3. With the informed, affirmative consent of the legal guardian or next of kin of the owner or user, if reasonably available, if the owner or user is reasonably believed to be deceased, is reported missing, or is unable to be contacted;

4. To locate a child who is reasonably believed to have been abducted or to be missing and endangered; ~~or~~

5. If the investigative or law-enforcement officer reasonably believes that an emergency involving the immediate danger to a person requires the disclosure, without delay, of real-time location data concerning a specific person and that a warrant cannot be obtained in time to prevent the identified danger~~.~~ ; or

6. If the investigative or law enforcement officer reasonably believes that an individual or group of individuals has made a credible threat to commit an act of violence upon (a) the property of any child day center or public, private, or religious preschool, elementary, middle, or high school, including buildings and grounds via electronic communication(s) and that a warrant cannot be obtained in time to prevent the identified danger or effectively identify the source of the threat.

No later than three business days after seeking disclosure of real-time location data pursuant to this subsection, the investigative or law-enforcement officer seeking the information shall file with the appropriate court a written statement setting forth the facts giving rise to the emergency and the facts as to why the person whose real-time location data was sought is believed to be important in addressing the emergency.