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# Social Networking Privacy

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House Sponsor: Representative Williams

Senate Sponsor: Senator Ulibarri

It has never before been acceptable for employers to request to see the personal photos or the personal correspondence of employees or prospective employees. The trend of increased hosting and conducting of one's personal life online should not alter this expectation of privacy. This bill would prohibit employers from requesting or requiring the disclosure of user names, passwords, and other information that would allow them access to personal accounts.

## States with Similar Legislation (6):

- ◆ California
- ◆ Delaware
- ◆ Illinois
- ◆ Maryland
- ◆ Michigan
- ◆ New Jersey

## States With Legislation Pending (21):

- ◆ California ◆ Colorado ◆ Georgia ◆ Hawaii
- ◆ Illinois ◆ Kansas ◆ Massachusetts
- ◆ Mississippi, ◆ Missouri ◆ Montana ◆ Nebraska
- ◆ New Hampshire ◆ New Jersey ◆ New Mexico
- ◆ New York ◆ North Dakota ◆ Oregon ◆ Texas
- ◆ Utah ◆ Vermont ◆ Washington

## Anti-Discrimination

Accessing someone's social networking site allows employers to gain knowledge of the employee or applicant that they would otherwise be unable to inquire about under labor laws. Information stored on social networking sites can reveal facts regarding sexual orientation, religion, political affiliation, etc.

## Additional Concerns

- Violates not only the employee's privacy, but also the privacy of those who correspond with them through social media that are not employed or applying for a position with the business.
- The Federal Stored Communications Act is violated when employers view information on password-protected sites given the reasonable expectation of privacy of users.

## What about business conducted through private social media sites?

The bill clarifies that an employer may investigate an employee to ensure compliance with securities or financial law or for suspected unauthorized downloading of proprietary information based on the receipt of information about these activities.

*Colorado should not allow employers to hire and fire on the basis of personal information found behind the barriers of password-protection on social networking sites.*

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