Colorado Social Media and the Workplace Law

“Facebook Law”

§ 8-2-127, C.R.S.

An employer may not access an employee’s or applicant’s personal social media accounts. The law applies to Colorado employers on or after May 11, 2013. For more information, visit [www.colorado.gov/cdle/socialmedia](http://www.colorado.gov/cdle/socialmedia)

### COVERAGE

8-2-127(1)(c)

Applies to public and private employers in Colorado.

Does not apply to:
- The Department of Corrections
- County Corrections Departments
- Any state or local law enforcement agency.

### EMPLOYER PROHIBITIONS

8-2-127(2)(a)

An employer may not:

1. Suggest, request, or require that an employee or applicant disclose, or cause an employee or applicant to disclose, any user name, password, or other means for accessing the employee’s or applicant’s personal account or service through the employee’s or applicant’s personal electronic communications device.

2. Compel an employee or applicant to add anyone, including the employer or his or her agent, to the employee’s or applicant’s list of contacts associated with a personal social media account.

3. Require, request, suggest, or cause an employee or applicant to change privacy settings associated with a personal social networking account.

### EMPLOYER ACTIONS

8-2-127(3)

An employer may:

1. Access information about employees and applicants that is publicly available online.

2. Require an employee to disclose any user name, password, or other means for accessing nonpersonal accounts or services that provide access to the employer's internal computer or information systems.

3. Conduct an investigation to ensure compliance with applicable securities or financial law or regulatory requirements based on the receipt of information about the use of a personal website, internet website, web-based account, or similar account by an employee for business purposes.

4. Investigate an employee's electronic communications based on the receipt of information about the unauthorized downloading of an employer's proprietary information or financial data to a personal website, internet website, web-based account, or similar account by an employee.

### EXCEPTIONS TO PROHIBITIONS

8-2-127(2) & (4)

An employer may:

1. Access information about employees and applicants that is publicly available online.

2. Require an employee to disclose any user name, password, or other means for accessing nonpersonal accounts or services that provide access to the employer’s internal computer or information systems.

3. Conduct an investigation to ensure compliance with applicable securities or financial law or regulatory requirements based on the receipt of information about the use of a personal website, internet website, web-based account, or similar account by an employee for business purposes.

4. Investigate an employee's electronic communications based on the receipt of information about the unauthorized downloading of an employer's proprietary information or financial data to a personal website, internet website, web-based account, or similar account by an employee.

### COMPLAINTS AND PENALTIES

8-2-127(5)

The Division accepts complaints from employees or applicants who have been subjected to alleged violations of the Colorado Social Media and the Workplace Law. The Division investigates complaints, conducts hearings of appeals, and may issue a fine of up to $1,000 for the first offense and a fine not to exceed $5,000 for each subsequent offense.

Complaint forms and instructions are available at [www.colorado.gov/cdle/socialmedia](http://www.colorado.gov/cdle/socialmedia)

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