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**Authors:** Lesch and Bernardy

**Subject:** Data privacy: protecting employees' personal social media accounts

**Analyst:** Nathan Hopkins (651-296-5056)

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## Overview

This bill prohibits employers from accessing the nonpublic personal social media accounts of their employees or applicants for employment.

### Subdivision

- 1**      **Definitions.** Provides definitions for the section, including for “personal social media account.”
- 2**      **Employer access prohibited.** Prohibits an employer from requiring, requesting, or coercing an employee or applicant for employment to give the employer access to the employee’s personal social media account either through:
  - (1) disclosing a username or password;
  - (2) accessing the account in the employer’s presence; or
  - (3) compelling the employee to “friend” the employer or change any privacy settings on the account.
- 3**      **Employer actions prohibited.** Prohibits an employer from retaliating against an employee or an applicant for employment for not disclosing the contents of a personal social media account.
- 4**      **Employer actions permitted.** Clarifies that this section does not prevent an employer from:
  - (1) accessing publicly available content about an employee or applicant for employment;

**Section**

- (2) complying with state or federal law;
- (3) performing legitimate internal investigations;
- (4) prohibiting an employee or applicant from using a social media account for business purposes; or
- (5) prohibiting an employee or applicant from accessing a social media account during business hours.

- 5**      **Employer protected if access inadvertent; use prohibited.** Provides that employer does not violate this section when it inadvertently receives log-on information or accesses a social media account due to otherwise lawful firewall that monitors the employer's computer system.
- 6**      **Enforcement.** Provides a cause of action against an employer who violates this section.
- 7**      **Severability.** Provides that the invalidity of one provision of this section does not affect other provisions that can stand independent of that invalid provision.