

New Mexico Limits Employer Access to Job Applicants' Social Media Accounts

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New Mexico recently became the latest state to prohibit employer access to social media accounts when Governor Susana Martinez signed [S.B. 371](#) into law. The law prohibits employers from requesting a password or otherwise demanding access to a job applicant's social media account. Interestingly, the bill does not prohibit employers from asking for passwords from current employees. Under the law, employers are allowed to implement workplace policies governing internet and social media site use, and may obtain information about a prospective employee that is available in the public domain. The law takes effect June 14, 2013. We have previously reported on [other states](#) that have prohibited employer access to social media accounts.

TIP: Employers should be aware that states are increasingly regulating employer access to applicants' and employees' social media accounts, and should take care when drafting social media policies. Although this statute does not restrict access regarding current employees, many other states do. When implementing policies regulating employee use of the Internet and social media, employers should also be mindful of not over-regulating use in violation of employees' Section 7 rights under the National Labor Relations Act.

This tip has been created for information and planning purposes. They are not intended to be, nor should they be substituted for, legal advice, which turns on specific facts.

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