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BLOG

Michigan Bans Employers From Seeking Social Media Passwords

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Michigan governor Rick Snyder signed H.B. 5523 into law at the end of 2012, barring Michigan employers and colleges from asking current or prospective employees and students for passwords or other information in order to access private social media accounts. Employers and colleges are also prohibited from penalizing, firing or failing to hire or admit employees or students for refusing to grant access to social media accounts. The new law does not prohibit employers from accessing information on electronic communications devices paid for by the employer or from accessing social media accounts provided by the employer or used for the employer's business purposes. The law took effect immediately upon Governor Synder's signature. Michigan is the latest state to prohibit employer access to employee social media accounts: we've reported on similar laws in Maryland, Illinois and California. As we've reported, New Jersey similarly prohibits colleges from seeking social media information from current or prospective students.

TIP: Employers should take care when developing social media programs and policies, and keep in mind the ever-increasing restrictions on obtaining password information for employees' private social media accounts.

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