

Requiring Employer Access to Social Media Accounts Prohibited in Washington

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Washington Governor Jay Inslee recently signed into law SB 5211, which prohibits employers from: (1) requesting the personal social media log-in information of employees or applicants; (2) requiring that employees or applicants access their accounts in the employer's presence; (3) requiring that employees or applicants add an individual to their contact list; and (4) requiring that employees or applicants change their privacy settings. The law has a carve-out for companies requesting social media information during a workplace investigation to ensure legal compliance, including compliance with self-regulatory organizations, or to protect confidential information.

TIP: As we have previously posted, some states are regulating employer access to employees' personal social media accounts. Employers should be aware of these laws when drafting social media policies and best practices.

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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