

New Illinois Law Limits Employers Access to Employees' Social Media Accounts

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Illinois recently amended the Illinois Right to Privacy in the Workplace Act to prohibit employers from requesting any password or other related account information in order to gain access to an employee's or prospective employee's social networking account or profile. Illinois joins Maryland as the second state to pass a law of this nature, while many others continue to have bills pending. The law also prohibits employers from demanding any other type of access to an employee's or prospective employee's social networking account. The amendment specifically indicates that employers are not prohibited from creating lawful social media use policies, nor are they prohibited from monitoring use of their electronic equipment and email systems.

TIP: While employers may maintain social media policies, in light of the Illinois and Maryland laws, it would be prudent not to require employees or prospective employees to provide password or other account access information.

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