

California Employers Prohibited From Asking for Social Media Passwords

OCTOBER 8, 2012

On September 27, 2012, California Governor Jerry Brown signed into law [Assembly Bill 1844](#), which prohibits employers from asking current or prospective employees for the log-in information for their personal social media accounts. A.B. 1844 also prohibits employers from requiring that employees or applicants access their social media accounts in the presence of the employer. Finally, employers may not retaliate against or discharge an employee or applicant for refusing to provide employer access to their personal social media account. Governor Brown also signed [Senate Bill 1349](#) into law, which prohibits post-secondary educational institutions from requiring that students, prospective students or student groups provide social media information or access to their personal accounts. California is the third state to restrain employer access of employee social media accounts, following Maryland (click [here](#) for a previous briefing by Winston & Strawn LLP on the Maryland law) and Illinois (click [here](#) for previous briefing by Winston & Strawn LLP on the Illinois law).

Tip: Employers should keep in mind the recent laws in California, Illinois, and Maryland, which all prohibit asking employees or job applicants for social media account passwords. It would also be prudent for employers to set clear rules defining which social media accounts used by employees during the course of their employment are (or should be) employer controlled and operated.

These tips have 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.

1 Min Read

Related Topics

Workplace Privacy

Online Privacy

Related Capabilities

Privacy & Data Security

This entry has been created for information and planning purposes. It is not intended to be, nor should it be substituted for, legal advice, which turns on specific facts.