

California Social Media Law Likely Does Not Protect Background Checks

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California Labor Code [§ 980](#), which prohibits employers from asking employees or job applicants for social media passwords, contains an exemption for investigations of possible workplace violations. Recent commentary has raised the question of whether this exemption could apply to general background checks performed by employers on applicants for employment. This exemption, by its explicit terms, appears to be limited to situations where the employer reasonably believes the social media is relevant to a workplace investigation, and does not appear to cover general employment inquiries such as background checks. California Labor Code § 980 was signed in September 2012 and took effect January 1, 2013.

TIP: California employers should not expect the investigatory exemption to the state's social media access law to govern or allow background checks.

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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