

Illinois Social Media Law Amended to Allow Employer Access to “Professional” Accounts

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Illinois Governor Pat Quinn recently signed [S.B. 2306](#) into law, amending the Right to Privacy in the Workplace Act (click [here](#) for a previous briefing on the Right to Privacy in the Workplace Act). The law as amended allows employers to access “professional” social media accounts where the employer has a duty to screen employees or applicants or monitor or retain employee communications under Illinois insurance law, federal law or the rules of a self-regulatory organization. Professional accounts are those “created, maintained, used, or accessed by a current or prospective employee for business purposes of the employer.” Employers are still prohibited from requesting or requiring that an employee or applicant provide the log-in information for a personal social media account. The amendment goes into effect on January 1, 2014.

TIP: Under the law, employers may access social media accounts maintained on their behalf by employees under certain circumstances. Employers should still refrain from asking for log-in information for the personal social media accounts of employees or job applicants.

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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