

1 S.7

2 Introduced by Senator Sears

3 Referred to Committee on

4 Date:

5 Subject: Labor; employment practices; social media privacy

6 Statement of purpose: This bill proposes to prohibit employers from requiring  
7 an employee to disclose the means of access to a personal electronic account or  
8 service, or requiring an employee to allow the employer access to the  
9 employee's social networking profile.

10 An act relating to social networking privacy protection

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. 21 V.S.A. § 495j is added to read:

13 § 495j. PRIVACY PROTECTION; SOCIAL NETWORKING SERVICES

14 (a) For purposes of this section:

15 (1) "Electronic communications device" means any device that uses  
16 electronic signals to create, transmit, and receive information, and includes  
17 computers, telephones, personal digital assistants, and other similar devices.

18 (2) "Retaliatory action" means discharge, threat, suspension, demotion,  
19 denial of promotion, discrimination, or other adverse employment action

1 regarding the employee's compensation, terms, conditions, location, or  
2 privileges of employment.

3 (3) "Social networking service" means an online service, platform,  
4 or website that enables an individual to establish a profile within a bounded  
5 system created by the service for the purpose of sharing information with other  
6 users of the service.

7 (b) An employer shall not:

8 (1) request or require that an employee or applicant disclose any user  
9 name, password, or other means for accessing a personal account or service  
10 through an electronic communications device;

11 (2) request or require that an employee or applicant take an action that  
12 permits the employer to gain access to the employee's or applicant's account  
13 or profile on a social networking service if that information is not available to  
14 the general public;

15 (3) take retaliatory action against an employee for an employee's refusal  
16 to disclose any information specified in subdivision (1) or (2) of this  
17 subsection; or

18 (4) fail or refuse to hire any applicant as a result of the applicant's  
19 refusal to disclose any information specified in subdivision (1) or (2) of this  
20 subsection.

1        (c) An employer may require an employee to disclose any user name,  
2        password, or other means for accessing nonpersonal accounts or services that  
3        provide access to the employer's internal computer or information systems.

4        Sec. 2. VERMONT DEPARTMENT OF LABOR

5        The Vermont Department of Labor shall take appropriate steps to inform  
6        employers of this act.

7        Sec. 3. EFFECTIVE DATE

8        This act shall take effect on July 1, 2013.