



ARIZONA STATE SENATE
Fifty-First Legislature, First Regular Session

FACT SHEET FOR S.B. 1411

social media passwords; prohibition

Purpose

Prohibits employers from requesting or requiring a user name, password or other means of accessing an online personal account from employees or applicants. Proscribes penalizing an employee or failing to hire an applicant as a result of the person's refusal to disclose such information, and outlines exceptions.

Background

According to the National Conference of State Legislatures (NCSL), in 2012, six states enacted legislation that prohibits requesting or requiring an employee, student or applicant to disclose a user name or password for a personal social media account. Four of those states' laws apply to employers. Similar legislation has been introduced in at least 25 states this year. Additionally, in 2012, a bill was introduced in the U.S. House of Representatives that prohibited employers and certain other entities from requesting employees or other specified individuals to provide means for accessing a personal account on any social networking website. That bill was not enacted.

There is no anticipated fiscal impact to the state General Fund associated with this measure.

Provisions

1. Prohibits an employer from doing any of the following:
 - a) requesting or requiring an employee or applicant to disclose any user name, password or other means of accessing a personal account or service through an electronic communications device;
 - b) discharging, disciplining or penalizing an employee for the employee's refusal to disclose such information, or threatening to do so; or
 - c) failing or refusing to hire an applicant for the applicant's refusal to disclose such information.
2. Permits an employer to require an employee to disclose any user name, password or other means for accessing nonpersonal accounts or services that provide access to the employer's internal computer or information systems.
3. Prohibits an employee from downloading employer proprietary information or financial data, without authorization, to an employee's personal website, an internet website, a web-based account or any similar account (web account).

FACT SHEET

S.B. 1411

Page 2

4. Specifies that these restrictions do not prevent an employer from doing the following:
 - a) conducting an investigation to ensure compliance with securities or financial laws or other regulatory requirements based on information indicating an employee's use of a web account for business purposes;
 - b) investigating an employee's potential violation of the restriction regarding downloading certain information without authorization;
 - c) prescribing workplace policies governing the use of the employer's electronic equipment, including the use of equipment for electronic mail or to access the internet or social networking sites; and
 - d) monitoring the use of the employer's electronic equipment and mail, except as restricted above.
5. Defines *employer* as this state, a political subdivision, or persons engaged in a business, industry, profession, trade or other enterprise in Arizona, including an agent, representative or designee of such a person or entity.
6. Defines other terms.
7. Becomes effective on the general effective date.

Prepared by Senate Research

February 11, 2013

AW/ly