

CALIFORNIA PROHIBITS EMPLOYERS FROM ASKING JOB SEEKERS FOR USER NAMES AND PASSWORDS

The Facebook logo, consisting of the word "facebook" in white lowercase letters on a blue square background.

In yet another victory for employees to protect their privacy, the state Assembly passed a bill that makes anything that could be designated as private on social networks out-of-bounds to employers. California will become one of the first states to disallow companies from asking job applicants, personal information, like their user names and passwords on Facebook and other social networking sites. The bill, sponsored by assembly woman Nora Campos (D-San Jose) is awaiting clearance by the California Senate, having cleared its first hurdle of being passed by the state Assembly. The bill was passed without a single dissenting vote. However, the bill would not prevent the employers from inspecting information on these sites that was available for public viewing. The bill comes in the wake of allegations that employees were frequently using the sites, to screen the applicants. Employment lawyers say, that only the apprehension of facing liability of intrusion into privacy, prevented the employers from accessing personal information of the job applicants. Campos accepted that the practice of asking for passwords is not too extensive, although there have been many documented cases of such incidents. However, she said that it was a preventive measure that will prove to be a deterrent to employers who would now desist from the practice. She said that it is not clear if it was even officially authorized to ask private-sector employees for access to their social networking accounts in California, where privacy is written into the state Constitution. The bill for does not apply to the public sector such as law enforcement and security agencies. "As our culture changes around social media, our laws need to reflect those changes, and we must make sure we protect employees' privacy," she said. This matter was highlighted when a Maryland state correctional officer returning from a leave of absence, had to go through a security interview, to get his job back. During the interview he was asked for his password and user name. He had filed a complaint with the American Civil Liberties Union. State Sen. Leland Yee (D-San Francisco) has sponsored a similar bill and 8 other states have passed similar bills. At the federal government level, House and Senate Democrats have disclosed two bills that will protect privacy, by banning asking for passwords and user names. However, people working in classified information areas, will have to disclose such information.

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