

Governor Signs New Law Increasing Employee Social Media Privacy Rights

Recently, California law did not expressly prohibit employers from asking employees for their usernames and passwords in order to access and view employee's personal social media accounts. An employer could demand to view an employee's Facebook or Twitter account, or any other social networking account, and the employee would have little recourse.

Effective January 1, 2013, Assembly Bill (AB) 1844 changes the law in this area. The bill adds section 980 to the Labor Code, specifically prohibiting employers from demanding or requesting usernames and passwords to the personal social media accounts of employees or job applicants. The new law also prohibits employers from retaliating against employees for failing to provide their usernames or passwords to their personal social media accounts.

This new law does not, however, apply to requests or demands of usernames and passwords to access employer-issued electronic devices. Further, an employer can demand disclosure of usernames and passwords for purposes of an investigation into an employee's alleged misconduct or violation of law, as long as the information is used solely for the purposes of such investigation.

In light of these changes, employers should carefully review existing policies and practices in this area of the law. Requests for username or password information should only be made for purposes of accessing an employee's technology or employer-issued technology devices, or in connection with an investigation of an employee's alleged misconduct or violation of law.

If you have any questions regarding how AB 1844 will impact your employment practices or whether one of the exceptions to this new law applies, please feel free to contact one of our [eight offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#), or download our [Client News Brief App](#).

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