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THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2332 Session of 2012

INTRODUCED BY WHITE, DePASQUALE, V. BROWN, CALTAGIRONE, COHEN, DAVIS, DONATUCCI, FLECK, FRANKEL, GEORGE, GIBBONS, GOODMAN, JOSEPHS, KOTIK, LONGIETTI, MANN, MATZIE, McGEEHAN, MILLARD, MULLERY, MURPHY, M. O'BRIEN, QUINN, SAMUELSON, SANTARSIERO, SCHMOTZER, WATERS AND WHEATLEY, JUNE 18, 2012

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, JUNE 18, 2012

AN ACT

Relating to, in labor and employment settings, the protection of user names, passwords or other means necessary to access a private or personal social media account, service or Internet website.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the Social Media Privacy Protection Act.

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Employer." A person engaged in a business, an industry, a profession, a trade or other enterprise in this Commonwealth or a unit of State or local government. The term includes an agent, a representative or a designee of the employer.

"Social media." Includes, but is not limited to, social networking Internet websites and any other forms of media that involve any means of creating, sharing and viewing user-generated information through an account, service or Internet website.

Section 3. Privacy protection.

(a) General rule.--An employer may not request or require that an employee or prospective employee disclose any user name, password or other means for accessing a private or personal social media account, service or Internet website.

(b) Refusal.--An employer may not do any of the following:

(1) Discharge, discipline or otherwise penalize or threaten to discharge, discipline or otherwise penalize an employee for an employee's refusal to disclose any information specified under subsection (a).

(2) Fail or refuse to hire any prospective employee as a result of the prospective employee's refusal to disclose any information specified under subsection (a).

(c) Employer's privacy protection.--An employer shall not be restricted or limited from any of the following:

(1) The employer's right to promulgate and maintain workplace policies governing the use of an employer's electronic communication devices. This includes policies regarding the employee's use of the Internet, social media accounts, services or Internet websites and e-mail use pertaining to the employer.

(2) The employer's right to monitor the usage of the employer's electronic communication devices so long as the employer is in compliance with subsections (a) and (b).

(3) The employer's right to obtain or view any

information concerning an employee or prospective employee that exists within the public domain.

(d) Penalty.--Any employer who violates subsection (a) or (b) shall be subject to a civil penalty of up to $5,000 in addition to reimbursement for reasonable attorney fees.

Section 4. Effective date.

This act shall take effect in 60 days.