

MEMORANDUM

To: All House Members

From: Representative Jesse White
Representative Eugene DePasquale

Date: April 4, 2012

Subject: Co-sponsorship: Social Media Privacy Protection Act

Recently much attention has been focused on employers asking current and potential employees for their passwords to Facebook and other social media sites. This is an issue occurring not just in Pennsylvania, but across the nation. Currently there are 15 proposed pieces of legislation in 6 other states. While employers have for some time perused publicly available information on the internet regarding candidates, this is a new and far more intrusive practice. All forms of social media set to or deemed private by a user should be honored as such as a basic, fundamental right.

Once a password is given, private information or communication intended only for friends or family is at the employer's fingertips. Employers, in general, have no compelling justifiable reason for this intrusion. There are existing, time-tested and effective screening methods available to companies to secure quality employees.

Unfortunately, a potential employee placed in this uncomfortable situation may feel compelled to comply with the request. In a tight job market, failure to do so could put them at a disadvantage causing them to lose the job opportunity. Additionally it is no small issue that granting an employer access to private online social content also infringes on the privacy of any person in the employee's friend network.

Companies too, open themselves to lawsuits by this practice. Constitutionally, viewing an individual's private profile may uncover membership in a protected class that the applicant may not wish to disclose publically. In this case the employer now is privy to sensitive and protected personal information which increases their exposure to discrimination lawsuits.

Please join me in sponsoring the Social Media Privacy Protection Act to safeguard employee privacy. Potential employees should not be put in a position that compromises their principles in order to get a job. Employers gain little by this practice and are unwittingly exposing themselves to lawsuits.

If you'd like to co-sponsor this legislation, please contact Dominic Lemmon at 717-783-6437 x6522 or dlemmon@pahouse.net.