

List of States Enacting Social Media Privacy Laws Applicable to Employers Continues to Grow

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Delaware and Maine recently enacted social media privacy legislation, adding to the list of more than 20 states with social media privacy laws applicable to employers, and Oregon also recently put in place a noteworthy amendment to its existing social media privacy legislation.

The Maine law ([L.D. 921](#)), takes effect in October and prohibits employers from requiring employees or job applicants to disclose social media passwords or other personal account information. The law also prevents an employer from discharging or penalizing an employee or refusing to hire an applicant for refusing to, *inter alia*: (1) access their social media accounts in the employer's presence; (2) add the employer to their contact lists; or, (3) alter privacy settings so that the employer is able to view the employees/applicants' social media accounts' contents. Significantly, the Maine law does not ban employers from requiring social media account information in relation to an investigation into an employee's misconduct or a workplace-related violation. The law imposes fines of at least \$100 for the first violation, \$200 for a second violation, and \$500 for each subsequent violation.

The Delaware law, the [Employee/Applicant Protection for Social Media Act](#), which took effect in August, bans employers from requiring employees to provide access to social media accounts. Oregon amended its [existing law](#) by adding a restriction that employers cannot require an employee or applicant to generate a social media account as a condition of employment. The bill amends Oregon's social media password privacy law, enacted in 2013.

Tip: Employers are reminded to ensure that all policies and practices are compliant with applicable social media privacy legislation.

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