



From the Desk of
Rep. Margaret Doherty

Margaret Doherty

Yes on HB 2654A Social Media Privacy Protection

Social media passwords vulnerable to privacy violation

A growing number of employers are demanding that job applicants and employees hand over the passwords to their private social networking accounts such as Facebook.

Such demands constitute an invasion of privacy. Private activities that would never be intruded upon offline should not receive less privacy protection simply because they take place online. Of course an employer would not be permitted to read an applicant's or employee's diary or postal mail, listen in on the chatter at private gatherings with friends, or look at that person's private videos and photo albums. They should not expect the right to do the electronic equivalent.

Implications for third parties and legal liability

Once a person shares his or her Facebook or other similar passwords, that person can be subject to screening not just at that time, but on an ongoing basis. Some companies even sell software that performs such continual screening automatically, alerting employers, coaches, or others to any behavior or speech they might find objectionable.

Further, when a person is forced to share the password to a private account, not only that person's privacy has been violated, but also the privacy of friends, family, clients, and anyone else with whom he or she may have communicated or shared files.

Finally, sharing a social network password may also expose a lot of information about a job applicant – such as age, religion, ethnicity, pregnancy – which an employer is forbidden to ask about. That can expose an applicant to unlawful discrimination. Learning such information may also expose an employer to lawsuits from rejected job candidates claiming such discrimination.

Private information should be kept private

Current laws are inadequate to protect individuals from these flagrant invasions of privacy. HB 2654A would prohibit employers from:

- Requiring or requesting disclosure of log-in information to any password-protected accounts,
- Requiring access to private material through indirect routes such as requiring employees to add them to their private social networks (e.g., by “friending” them) as a condition of employment benefits or privileges,
- Discharging or otherwise penalizing any employee who refuses to provide access to private materials, or to threaten to do so, or refusing to hire anyone for that reason.

HB 2654A was voted out of the House Committee on Business and Labor with no opposition. We urge your Aye vote.



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