



NEW YORK STATE SENATOR

Jeffrey D. Klein

State Senator Klein and Assemblyman Dinowitz Sponsor Legislation Prohibiting Employers from Demanding Facebook Password in Interviews

JEFFREY D. KLEIN March 28, 2012

| ISSUE: **INTERNET**

State Senator Jeffrey Klein (D-Bronx/Westchester), and Assemblyman Jeffrey Dinowitz (D-Bronx) are sponsoring new legislation that would prohibit employers from demanding login information, including usernames and passwords, to popular social media sites such as Facebook and Twitter as part of their hiring process.

Employers are beginning to use various new tools in decisions concerning the hiring, promotion, and discipline of prospective and current employees. Recently, there have been reports of employers demanding login information, including usernames and passwords, to popular social media websites such as Facebook and Twitter, as well as to email accounts and other extremely personal accounts. This information is being used as a condition of hiring, promotions, and lateral movement within companies, and in matters relating to disciplinary action including firing of individuals.

This type of request can lead to unfair and discriminatory hiring practices and constitutes a serious invasion of privacy by the employer. Employees have the right to make their social media public or private through the individual websites, and they should have every right to

maintain this level of privacy in their workplace or during an interview. In this economy, many people cannot walk away from a job and are forced to submit to employers' requests for passwords for fear that they will not be hired otherwise. This bill would remedy this serious issue, maintaining prospective employees' right to privacy and reducing the risk of unfair and discriminatory hiring practices by employers.

"Even in this digital age, turning over your password to an employer is a bridge too far," said Senator Klein. "I'm proud to stand with Assemblyman Dinowitz in taking this stand to protect an individual's privacy."

"This legislation will address a terrible and growing abuse by certain employers. Employers should not be snooping on social media communications that are private, and they certainly should not be given passwords that are supposed to be kept secret. It's like an employer asking for a copy of your house keys so they can have a look around your home," said Assemblyman Dinowitz. "The right to privacy and protection from coercion and discrimination must be maintained. I urge all of my colleagues in the State Legislature to protect the rights of job seekers and support this bill."