



NEW YORK STATE SENATOR

Liz Krueger

Sen. Liz Krueger Introduces Bill to Protect Employees from Demands for Personal Login Names, Passwords

LIZ KRUEGER April 19, 2012

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New York – State Senator Liz Krueger (D-Manhattan) today announced her introduction of legislation to ban employers from requiring their employees divulge login information for personal email accounts, social networks, and other online services ([S. 6938](#)). If passed, this legislation would make New York's the second legislature in the country to pass such a law, after Maryland's General Assembly.

Large majorities of Americans rely on personal email accounts, and increasing numbers of Americans are using social networks such as Facebook and Twitter as a part of their daily lives. More than 80 percent of American adults make use of the internet, and more than 9 in 10 internet users rely on email. In addition, more than 60 percent of adult internet users used social networks such as Facebook or Twitter in 2011, up from under 10 percent in 2005, according to the Pew Research Center.

As use of these services has rapidly grown to encompass the majority of adults, many employers have sought access to their employees' social media accounts by requiring that employees provide their personal account passwords. In addition, some employers have sought to screen job applicants by requiring prospective employees disclose their login information and allow employers to inspect their personal, private accounts.

Given the tough economy and unemployment rates holding 8 percent, many employees and job applicants justifiably fear that by not providing their account passwords or login information upon request, they imperil their candidacy in an already-competitive job market.

“Ending this pernicious practice will be good for the entire workplace – both employees and their employers,” said Sen. Krueger. “Employees and job applicants shouldn’t have to cede their right to privacy as a precondition for employment, and employers that open the door to this are walking into a legal minefield. In keeping employees’ login credentials and attempting to review their employees’ private, personal communications, businesses are opening themselves up to a whole new world of responsibilities, liabilities, and dangers.”

The bill would prevent employers from violating the privacy of their personal online accounts by making it illegal for them to demand an employee's or applicant's personal login credentials or passwords. The bill would not prevent employers from requesting address information for publicly available materials employees may post online.