

1 H.462

2 Introduced by Representative Hill of Wolcott

3 Referred to Committee on

4 Date:

5 Subject: Labor; employment practices; social media privacy

6 Statement of purpose of bill as introduced: This bill proposes to prohibit an  
7 employer from requiring or requesting that an employee or applicant disclose  
8 personal social media account information.

9 An act relating to social media privacy for employees

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 Sec. 1. 21 V.S.A. § 495k is added to read:

12 § 495k. SOCIAL MEDIA ACCOUNT PRIVACY; PROHIBITIONS

13 (a) “Social media account” means an account with an electronic medium or  
14 service through which users create, share, and interact with content, including  
15 videos, still photographs, blogs, video blogs, podcasts, instant or text  
16 messages, e-mail, online services or accounts, or Internet website profiles or  
17 locations. “Social media account” does not include an account provided by an  
18 employer or intended to be used primarily on behalf of an employer.

19 (b) An employer shall not require, request, or coerce an employee or  
20 applicant to do any of the following:

1           (1) disclose a username or password for the purpose of accessing the  
2           employee or applicant's social media account;

3           (2) access a social media account in the presence of the employer; or

4           (3) divulge or present any content from the employee or applicant's  
5           social media account.

6           (c) No agreement by an employee to waive his or her rights under this  
7           section shall be valid.

8           (d)(1) Notwithstanding subsection (b) of this section, an employer may  
9           request an employee to divulge social media account content in relation to an  
10          investigation of employee misconduct or a violation of law, if good cause  
11          exists to do so. An employer may use an employee's social media account  
12          information obtained pursuant to this subsection solely for the purposes of the  
13          investigation.

14          (2) This section does not prohibit or restrict a law enforcement agency  
15          from complying with a duty to screen employees or applicants before hiring or  
16          to monitor or retain employee social media account information or content  
17          during the hiring process for a law enforcement officer.

18          (e) Nothing in this section shall preclude an employer from requesting a  
19          username or password that is necessary to access an employer-issued  
20          electronic device.

1        (f) An employer shall not discharge or in any other manner retaliate against  
2        an employee who exercises or attempts to exercise his or her rights under this  
3        section. The provisions against retaliation in subdivision 495(a)(8) of this title  
4        and the penalty and enforcement provisions of section 495b of this title shall  
5        apply to this section.

6        Sec. 2. EFFECTIVE DATE

7        This act shall take effect on July 1, 2017.