

# Social Media Privacy

## A civil liberties briefing



In the past few years, employers and school officials have begun requesting social media passwords from their employees, applicants, and students or requiring them to “friend” HR managers, school officials, teachers, and coaches with no privacy restrictions.

### Privacy Risks

Providing this access to social media passwords:

- **Expands privacy violations beyond the account holder.** It also violates the privacy of the friends, family, clients, and anyone else with whom he or she may have communicated or shared files.
- **Increases risk of discrimination.** Sharing access to social networking accounts may provide information about the applicant – such as age, religion, ethnicity, or pregnancy – about which an employer is forbidden to ask. This can expose an applicant to discrimination, and an employer to lawsuits from rejected job candidates claiming such discrimination.

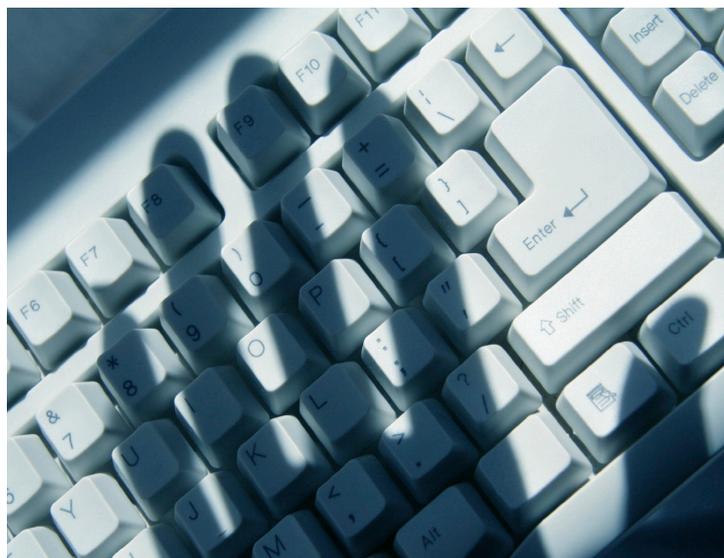
### Need for Guidelines

- Online private communications and activities should receive the same protections as those that take place offline.
- Any communications not intended to be viewable by the public should be out of bounds for employers or school officials.

### National Trends

According to the National Conference of State Legislatures<sup>1</sup>, many states have taken up social media privacy, and several have enacted legislation:

- Three states (California, Maryland, and Illinois) enacted legislation in 2012 that prohibits requesting or requiring an employee or applicant to disclose a user name or password for a personal social media account.
- Two states (California and Delaware) enacted legislation prohibiting higher education institutions from requiring students to disclose social media passwords or account information.



### Ohio Legislation

**S.B. 45<sup>2</sup>**, which is currently pending in the General Assembly, would increase privacy protections for current and potential employees by making it illegal for employers to ask or require a current or potential employee to give access to social media websites, email, or other electronic accounts.

The ACLU of Ohio supports this legislation, which seeks to preserve the privacy of Ohioans. However, we encourage the legislature to make this bill even stronger by adding schools, universities, and similar entities to those forbidden from demanding access to electronic accounts.

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1. *National Conference of State Legislatures (2012, September 28). Employer access to social media usernames and passwords. Retrieved from <http://www.ncsl.org/issues-research/telecom/employer-access-to-social-media-passwords.aspx>*
  2. *S.B. 45 (introduced on February 19, 2013), [http://www.legislature.state.oh.us/bills.cfm?ID=130\\_SB\\_45](http://www.legislature.state.oh.us/bills.cfm?ID=130_SB_45)*

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