



TO: Senate Insurance, Commerce and Labor Committee
FROM: Gary Daniels, Associate Director, ACLU of Ohio
DATE: March 6, 2013
RE: Senate Bill 45

To Chairman Bacon, Ranking Minority Member Brown, and members of the Senate Commerce and Labor Committee, my name is Gary Daniels, associate director for the American Civil Liberties Union of Ohio (“ACLU of Ohio”), and I appear to present proponent testimony on Senate Bill 45.

AMERICAN CIVIL
LIBERTIES UNION
OF OHIO
4506 CHESTER AVENUE
CLEVELAND, OH 44103-3621
T/216.472.2220
F/216.472.2210
WWW.ACLUOHIO.ORG
contact@acluohio.org



The ACLU is the oldest and largest civil liberties organization in the world with over 500,000 members nationwide and over 30,000 members and supporters across Ohio. The ACLU and ACLU of Ohio are non-profit, non-partisan membership organizations devoted to protecting basic civil rights and civil liberties for all Americans and all Ohioans.

The ACLU of Ohio supports Senate Bill 45 as legislation necessary to preserve the personal privacy of employees and job-seekers in Ohio.

Indeed, more and more people utilize social media on a daily basis for such purposes as networking among their friends, families and peers, looking for employment, seeking romance, posting and sharing of photos and music and a wide array of other uses that continues to grow.

Through our collective use of these websites we many times reveal much about ourselves. Everything from our political preferences, religious beliefs, sexual orientations, medical conditions, income, friends and acquaintances, and the thoughts we care to share about everything and anything can be found online.

Wisely, many of us only share this information with people we have pre-approved, limiting access in a way that is solely our decision. Unfortunately, a disturbing trend is developing across the country whereby prospective and current employers demand access to usernames and passwords of these websites and related electronic accounts.

Such requirements are unnecessary, unwelcome, intrusive, and would end if Senate Bill 45 were passed into law.

While the ACLU of Ohio supports Senate Bill 45 in its current form, we respectfully suggest the bill be amended to include these two changes:

- 1) Remove the word "recklessly" from Section (K)(1). As written, our concern is the inclusion of this vague term will only serve as a counterproductive defense for employers who are investigated, cited or fined.
- 2) Add schools, universities, colleges and similar entities to the list of those forbidden to demand access to usernames and passwords. Students deserve these same protections and the problem Senate Bill 45 seeks to remedy is an issue for them as well.

We will be contacting Senator Tavares, the bill's primary sponsor, with these suggestions.

In conclusion, I urge members of this committee to give Senate Bill 45 their full and thoughtful consideration. The problem of employers snooping on employees and applicants is a dilemma not limited to any political ideology or party, race, religion or any number of other factors.

None of us would allow employers to go through our mail, email, wallets or purses or homes. Neither should we allow them to do the same with our participation on social networking sites and other electronic accounts.