

Three States Pass Legislation On Limiting Access To Social Media Passwords

May 3, 2013 | [Social Media And Technology](#), [Labor And Employment](#)



**Mark D.
Scudder**
Of Counsel

Although Congress [recently rejected legislation](#) designed to bar employers from forcing employees to produce their social media passwords, advocates for such laws have been more successful in the state legislatures. Since March 2013, three states - Utah, New Mexico, and Arkansas - have passed laws barring the production of this information. These state laws often contain broad protections. The Arkansas law - which Governor Beebe signed on April 22 - prohibits employers from forcing the employees or applicants to produce passwords, change privacy settings, or "friend" supervisors. The law does not bar employers from viewing the publicly available information of their employees and applicants.

Utah's legislature not only passed protections for employees, but also barred schools from forcing students to provide the schools with their social media passwords. This prohibition was designed to counter a trend among colleges and universities to force their student-athletes to produce their social media passwords so that the schools could monitor their accounts.

Employers and schools should keep an eye on their state legislatures as employee and student privacy rights are rapidly expanding.

RELATED PRACTICE AREAS

Internet and Technology
Labor and Employment
Workplace Culture 2.0

RELATED TOPICS

Passwords
Social Media