

Employee Social Networking Password Protection May Soon Become Law In Illinois

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Employers in Illinois who are interested in the Internet activities of their employees and job applicants, including activities on social networking sites, will need to be more cautious if Illinois Governor Pat Quinn signs a bill on his desk that the Illinois Legislature recently passed.

The legislation, [House Bill 3782](#), would amend the state's Right to Privacy in the Workplace Act at [820 ILCS 55/10](#), a section that currently prohibits employers from asking prospective employees about their prior history of worker's compensation claims. The amended Act would prohibit Illinois employers from requiring employees or prospective employees to disclose their passwords or other related account information to the employer for access to employee or applicant social networking accounts or profiles. However, the legislation specifies that employers are not prohibited from obtaining information that already is in the public domain.

Employers also can continue to create and maintain lawful workplace policies that cover the use of the employer's electronic resources, including policies related to Internet use, social networking site use, and email use. We will provide further analysis and recommendations once the legislation is enacted.

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