

SENATE FILE NO. SF0081

Employer access to social media accounts.

Sponsored by: Senator(s) Christensen and Bebout and
Representative(s) Petroff

A BILL

for

1 AN ACT relating to labor and employment; prohibiting an
2 employer from requesting or requiring access to a social
3 media account of an employee or prospective employee;
4 providing a definition; providing exceptions; and providing
5 for an effective date.

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7 *Be It Enacted by the Legislature of the State of Wyoming:*

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9 **Section 1.** W.S. 27-9-105(a) by creating a new
10 paragraph (v) is amended to read:

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12 **27-9-105. Discriminatory and unfair employment**
13 **practices enumerated; limitations.**

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15 (a) It is a discriminatory or unfair employment
16 practice:

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(v) For an employer or employment agency, itself or through its agent, to request or require any employee or prospective employee to disclose any username, password or other means for viewing or accessing the information contained on an employee's or prospective employee's personal social media account. For the purposes of this paragraph, "social media account" means an electronic service or account, or electronic content, including but not limited to, videos, still photographs, blogs, video blogs, podcasts, instant and text messages, email, online services or accounts, or internet website profiles or locations. Nothing within this paragraph shall prohibit an employer or employment agency, itself or through its agent, from:

(A) Requiring or requesting an employee or prospective employee to disclose a username, password or other method for the purpose of accessing an employer issued electronic device or accessing an employer social media account used for an employer's business purposes;

(B) Requesting an employee or prospective employee to divulge personal social media reasonably

1 believed to be relevant to an investigation of allegations
2 of employee misconduct or employee violation of applicable
3 laws and regulations, provided that the social media is
4 used solely for purposes of that investigation or a related
5 proceeding;

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7 (C) Conducting an investigation of an
8 employee's or prospective employee's social media in
9 compliance with the requirements of state or federal
10 statutes, rules or regulations, case law, or rules of a
11 self-regulating organization;

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13 (D) Requiring or requesting a prospective
14 employee to disclose a username, password or other means
15 for viewing or accessing the information contained on a
16 prospective employee's personal social media account in the
17 course of a law enforcement employment application.

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19 **Section 2.** This act is effective immediately upon
20 completion of all acts necessary for a bill to become law
21 as provided by Article 4, Section 8 of the Wyoming
22 Constitution.

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24 (END)