

Employee Privacy

This Act limits employers from requesting or requiring employees or applicants disclose any user name, password, or other means for accessing a personal account or service through specified electronic communications devices. It also limits employers from taking, or threatening to take, disciplinary action against employees who refuse to disclose specified password and related information.

Submitted as:

Maryland

[SB 433](#)

Status: Enacted into law in 2012.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title.*] This Act shall be cited as “An Act to Prohibit Employers from
2 Requiring Employees or Applicants to Disclose Certain Personal Information.”

3
4 Section 2. [*Definitions.*] As used in this Act:

5 (1) “Applicant” means an applicant for employment.

6 (2) “Electronic communications device” means any device that uses electronic signals to
7 create, transmit, and receive information.

8 (3) “Electronic communications device” includes computers, telephones, personal digital
9 assistants, and other similar devices.

10 (4) “Employer” means a person engaged in a business, an industry, a profession, a trade, or
11 other enterprise in the state; or a unit of state or local government and includes an agent, a
12 representative, and a designee of the employer.

13
14 Section 3. [*Restricting Employers from Asking for Certain Information from Employees or*
15 *Applicants.*]

16 (A) Subject to subsection (B), an employer may not request or require that an employee or
17 applicant disclose any user name, password, or other means for accessing a personal account or
18 service through an electronic communications device.

19 (B) An employer may require an employee to disclose any user name, password, or other
20 means for accessing non-personal accounts or services that provide access to the employer’s internal
21 computer or information systems.

22 (C) An employer may not discharge, discipline, or otherwise penalize or threaten to
23 discharge, discipline, or otherwise penalize an employee for an employee’s refusal to disclose any
24 information specified in subsection (A) of this section or fail or refuse to hire any applicant as a
25 result of the applicant’s refusal to disclose any information specified in subsection (A) of this
26 section.

27 (D) An employee may not download unauthorized employer proprietary information or
28 financial data to an employee’s personal web site, an Internet web site, a web-based account, or a
29 similar account.

30 (E) This section does not prevent an employer:

31 (1) Based on the receipt of information about the use of a personal web site, Internet
32 web site, web-based account, or similar account by an employee for business purposes, from
33 conducting an investigation for the purpose of ensuring compliance with applicable securities or
34 financial law, or regulatory requirements; or

35 (2) Based on the receipt of information about the unauthorized downloading of an
36 employer's proprietary information or financial data to a personal web site, Internet web site, web-
37 based account, or similar account by an employee, from investigating an employee's actions under
38 subsection (D) of this section.

39
40 Section 4. [*Severability.*] [Insert severability clause.]

41
42 Section 5. [*Repealer.*] [Insert repealer clause.]

43
44 Section 6. [*Effective Date.*] [Insert effective date.]