HOUSE DOCKET, NO. 503 FILED ON: 1/11/2013

HOUSE . . . . . No. 1707

The Commonwealth of Massachusetts

PRESENTED BY:

Cheryl A. Coakley-Rivera

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to social network privacy and employment.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Cheryl A. Coakley-Rivera	*10th Hampden*	*1/11/2013*
James M. Cantwell	*4th Plymouth*	*1/14/2013*
Denise Andrews	*2nd Franklin*	*1/28/2013*
Cory Atkins	*14th Middlesex*	*1/29/2013*
Thomas J. Calter	*12th Plymouth*	*1/30/2013*
Christine E. Canavan	*10th Plymouth*	*1/29/2013*
Marjorie C. Decker	*25th Middlesex*	*1/31/2013*
Viriato Manuel deMacedo	*1st Plymouth*	*1/30/2013*
Geoff Diehl	*7th Plymouth*	*1/30/2013*
Diana DiZoglio	*14th Essex*	*1/30/2013*
Carolyn C. Dykema	*8th Middlesex*	*2/1/2013*
Lori A. Ehrlich	*8th Essex*	*1/30/2013*
James B. Eldridge	*Middlesex and Worcester*	*1/29/2013*
Ryan C. Fattman	*18th Worcester*	*1/30/2013*
Gloria L. Fox	*7th Suffolk*	*1/31/2013*
Colleen M. Garry	*36th Middlesex*	*1/31/2013*
Anne M. Gobi	*5th Worcester*	*1/31/2013*
Kenneth I. Gordon	*21st Middlesex*	*1/25/2013*

Kate Hogan	*3rd Middlesex*	*2/1/2013*
Peter V. Kocot	*1st Hampshire*	*1/24/2013*
Kevin J. Kuros	*8th Worcester*	*2/1/2013*
Jason M. Lewis	*Fifth Middlesex*	*1/14/2013*
Timothy R. Madden	*Barnstable, Dukes and Nantucket*	*1/31/2013*
Brian R. Mannal	*2nd Barnstable*	*1/30/2013*
James R. Miceli	*19th Middlesex*	*1/30/2013*
Harold P. Naughton, Jr.	*12th Worcester*	*1/31/2013*
Keiko M. Orrall	*12th Bristol*	*1/14/2013*
Alice Hanlon Peisch	*14th Norfolk*	*1/31/2013*
Denise Provost	*27th Middlesex*	*1/14/2013*
Kathi-Anne Reinstein	*16th Suffolk*	*1/15/2013*
David M. Rogers	*24th Middlesex*	*1/31/2013*
Tom Sannicandro	*7th Middlesex*	*1/17/2013*
John W. Scibak	*2nd Hampshire*	*1/30/2013*
Frank I. Smizik	*15th Norfolk*	*1/25/2013*
Benjamin Swan	*11th Hampden*	*1/30/2013*
Timothy J. Toomey, Jr.	*26th Middlesex*	*1/28/2013*
Joseph F. Wagner	*8th Hampden*	*2/1/2013*
James J. Dwyer	*30th Middlesex*	*1/11/2013*
Robert M. Koczera	*11th Bristol*	*1/11/2013*
Martin J. Walsh	*13th Suffolk*	*1/11/2013*
Kay Khan	*11th Middlesex*	*1/11/2013*
Michael O. Moore	*Second Worcester*	*1/11/2013*
Martha M. Walz	*8th Suffolk*	*1/11/2013*
Chris Walsh	*6th Middlesex*	*1/11/2013*
James J. O'Day	*14th Worcester*	*1/11/2013*
Paul McMurtry	*11th Norfolk*	*1/11/2013*
Sarah K. Peake	*4th Barnstable*	*1/24/2013*
Ruth B. Balser	*12th Middlesex*	*1/11/2013*

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By Ms. Coakley-Rivera of Springfield, a petition (accompanied by bill, House, No. 1707) of Cheryl A. Coakley-Rivera and others relative to social network privacy and employment. Labor and Workforce Development.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to social network privacy and employment.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 149 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after section 188 the following section:-

(a) It shall be unlawful for any employer to:

i. require, request, suggest, or cause an employee or applicant to disclose a user name, password or any other means for access, or provide access through a user name or password, to a personal social media account or service;

ii. compel an employee or applicant, as a condition of employment or consideration for employment, to add anyone, including the employer or their agent, to their list of contacts associated with a personal social media account or service; or

iii. take or threaten any adverse action against an employee or applicant for refusing to disclose any information specified in subclause (a) or for refusing to add the employer to their list of contacts associated with a social media account or service, as specified in subclause (b).

(b) "Social media" means an electronic medium allowing users to create, share, and view user-generated content, including, but not limited to, uploading or downloading videos or still photographs, blogs, video blogs, podcasts, messages, e-mails, or Internet Web site profiles or locations.

(c) "Employer" shall include any agent, representative, or designee of the employer.

(d) This section shall not apply to any social media account or service opened for or provided by an employer and intended solely for professional purposes.

(e) Nothing in this section shall prohibit an employer from obtaining information about an applicant or employee that is in the public domain.

(f) Nothing in this section shall limit an employer's right to promulgate and maintain lawful workplace policies governing the use of the employer's electronic equipment, including policies regarding use of the internet, email, or social media.