

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4
5 By: Representative Steel

A Bill

HOUSE BILL 1901

For An Act To Be Entitled

8 AN ACT TO PROHIBIT AN EMPLOYER FROM REQUIRING OR
9 REQUESTING A CURRENT OR PROSPECTIVE EMPLOYEE FROM
10 DISCLOSING HIS OR HER USERNAME OR PASSWORD FOR A
11 SOCIAL MEDIA ACCOUNT OR TO PROVIDE ACCESS TO THE
12 CONTENT OF HIS OR HER SOCIAL MEDIA ACCOUNT; AND FOR
13 OTHER PURPOSES.

Subtitle

16 TO PROHIBIT AN EMPLOYER FROM REQUIRING OR
17 REQUESTING A CURRENT OR PROSPECTIVE
18 EMPLOYEE FROM DISCLOSING HIS OR HER
19 USERNAME OR PASSWORD FOR A SOCIAL MEDIA
20 ACCOUNT.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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26 SECTION 1. Arkansas Code Title 11, Chapter 2, Subchapter 1, is amended
27 to add an additional section to read as follows:

28 11-2-124. Social media accounts of current and prospective employees.

29 (a) As used in this section:

30 (1) "Employee" means an individual who provides services or
31 labor for wages or other remuneration for an employer;

32 (2) "Employer" means a person or entity engaged in business, an
33 industry, a profession, a trade, or other enterprise in the state or a unit
34 of state or local government, including without limitation an agent,
35 representative, or designee of the employer; and

36 (3)(A) "Social media account" means an account with an



1 electronic medium or service where users may create, share, or view user-
2 generated content, including without limitation:

3 (i) Videos;

4 (ii) Photographs;

5 (iii) Blogs;

6 (iv) Podcasts;

7 (v) Messages;

8 (vi) Emails; or

9 (vii) Website profiles or locations.

10 (B) "Social media account" does not include an account
11 opened at the request of an institution of higher education or provided by an
12 institution of higher education that is intended to be used on behalf of the
13 institution of higher education.

14 (C) "Social media account" includes without limitation an
15 account established with Facebook, Twitter, LinkedIn, MySpace, or Instagram.

16 (b) An employer shall not require, request, suggest, or cause a
17 current or prospective employee to:

18 (1) Disclose his or her username and password to the current or
19 prospective employee's social media account;

20 (2) Add an employee, supervisor, or administrator to the list or
21 contacts associated with his or her social media account; or

22 (3) Change the privacy settings associated with his or her
23 social media account.

24 (c) An employer shall not:

25 (1) Take action against or threaten to discharge, discipline, of
26 otherwise penalize a current employee for exercising his or her rights under
27 subsection (b) of this section; or

28 (2) Fail or refuse to hire a prospective employee for exercising
29 his or her rights under subsection (b) of this section.

30 (d) This section does not prohibit an employer from viewing
31 information about a current or prospective employee that is publicly
32 available on the Internet.