

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015

# A Bill

HOUSE BILL 1087

4  
5 By: Representative Bell

## For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW REGARDING SOCIAL MEDIA  
9 ACCOUNTS OF CURRENT AND PROSPECTIVE EMPLOYEES; AND  
10 FOR OTHER PURPOSES.

## Subtitle

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14 TO AMEND THE LAW REGARDING SOCIAL MEDIA  
15 ACCOUNTS OF CURRENT AND PROSPECTIVE  
16 EMPLOYEES.

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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 SECTION 1. Arkansas Code § 11-2-124(b)-(e), concerning social media  
22 accounts of current and prospective employees, is amended to read as follows:

23 (b)(1) An employer shall not require, request, suggest, or cause a  
24 current or prospective employee to+

25 ~~(A) Disclose~~ disclose his or her username and password to  
26 the current or prospective employee's social media account~~;~~.

27 ~~(B) Add an employee, supervisor, or administrator to the~~  
28 ~~list or contacts associated with his or her social media account; or~~

29 ~~(C) Change the privacy settings associated with his or her~~  
30 ~~social media account.~~

31 (2) If an employer inadvertently receives an employee's  
32 username, password, or other login information to the employee's social media  
33 account through the use of an electronic device provided to the employee by  
34 the employer or a program that monitors an employer's network, the employer  
35 is not liable for having the information but may not use the information to  
36 gain access to an employee's social media account.



1           ~~(e) An employer shall not:~~

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

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

7           ~~(d)~~(c) This section does not prohibit an employer from viewing  
 8 information about a current or prospective employee that is publicly  
 9 available on the Internet.

10          ~~(e)~~(d) Nothing in this section:

11                    (1) Prevents an employer from complying with the requirements of  
 12 federal, state, or local laws, rules, or regulations or the rules or  
 13 regulations of self-regulatory organizations; or

14                    (2)(A) Affects an employer's existing rights or obligations to  
 15 request an employee to disclose his or her username and password for the  
 16 purpose of accessing a social media account if the employee's social media  
 17 account activity is reasonably believed to be relevant to a formal  
 18 investigation or related proceeding by the employer of allegations of an  
 19 employee's violation of federal, state, or local laws or regulations or of  
 20 the employer's written policies.

21                    (B) If an employer exercises its rights under subdivision  
 22 ~~(e)(2)(A)~~(d)(2)(A) of this section, the employee's username and password  
 23 shall only be used for the purpose of the formal investigation or a related  
 24 proceeding.

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