

SENATE BILL NO. 195

INTRODUCED BY BLEWETT, ZOLNIKOV, MILLER, B. BENNETT

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A BILL FOR AN ACT ENTITLED: "AN ACT PROTECTING PRIVATE ELECTRONIC INFORMATION AND PERSONAL ACCOUNTS OF JOB APPLICANTS AND EMPLOYEES, INCLUDING SOCIAL MEDIA AND E-MAIL ACCOUNTS, LOCATED ON THE ELECTRONIC COMMUNICATION DEVICES OF JOB APPLICANTS AND EMPLOYEES; AND PROVIDING DEFINITIONS, RESTRICTIONS, AND EXCEPTIONS A DEFINITION."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

(Refer to Introduced Bill)

Strike everything after the enacting clause and insert:

NEW SECTION. **Section 1. Employer access to applicant or employee social media.** (1) An employer may not require or request an employee or applicant for employment to:

- (a) disclose a user name or password for the purpose of allowing the employer to access personal social media;
- (b) access personal social media in the presence of the employer; or
- (c) divulge any personal social media or information contained on personal social media.

(2) Nothing in this section precludes an employer from requiring or requesting an employee to disclose a user name, password, or other information for the purpose of accessing an employer-issued electronic device, including but not limited to cell phones, computers, or tablet computers.

(3) An employer may not discharge, discipline, threaten to discharge or discipline, or otherwise retaliate against an employee or applicant for not complying with a request or demand by the employer that violates this section.

(4) As used in this section, "personal social media" means a password-protected electronic service or account or electronic content, including but not limited to videos, still photographs, blogs, video blogs, podcasts, instant and text messages, e-mail, online services or accounts, or internet website profiles or locations.

NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 39, chapter 2, part 3, and the provisions of Title 39, chapter 2, part 3, apply to [section 1].

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