

HB 1834 -- PASSWORD PRIVACY PROTECTION ACT

SPONSOR: Davis

This bill establishes the Password Privacy Protection Act. In its main provisions, the bill:

(1) Prohibits an employer from requesting or requiring an employee or applicant to disclose any user name, password, or other means for accessing a personal on-line account or service;

(2) Authorizes an employer to request or require an employee to disclose any user name, password, or other authentication means for accessing an electronic communications device paid for in whole or in part by the employer, or any account or service provided by the employer or used by the employee for business purposes or as a result of the employee's employment relationship with the employer;

(3) Prohibits an employer from discharging, disciplining, or penalizing or threatening to discharge, discipline, or penalize an employee for his or her refusal to disclose the information, or from failing or refusing to hire an applicant for the refusal;

(4) Prohibits an employee from transferring an employer's proprietary or confidential information or financial data to an employee's personal on-line account or service without the employer's position;

(5) Specifies that the act must not be construed to prevent an employer from engaging in certain investigatory activities, from disciplining or discharging an employee for transferring an employer's proprietary or confidential information or financial data to an employee's personal on-line account or service without authorization, from restricting or prohibiting employee access to certain websites using employer provided equipment or resources, or from monitoring, reviewing, accessing, or blocking data stored on an electronic communications device paid for in whole or in part by the employer;

(6) Specifies that an employer is not prohibited or restricted from viewing, accessing, or utilizing information about an employee or applicant that can be obtained without using a user name, password, or other means, or is available to the public; and

(7) Specifies that the act must not be construed to prevent an employer from complying with state or federal laws or regulations or rules of self-regulatory organizations as that term is defined in federal regulation 15 U.S.C. Section 78c(a)(26).