

AMENDED IN SENATE AUGUST 20, 2012

AMENDED IN SENATE JULY 2, 2012

AMENDED IN SENATE JUNE 20, 2012

AMENDED IN ASSEMBLY APRIL 26, 2012

AMENDED IN ASSEMBLY APRIL 17, 2012

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

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**ASSEMBLY BILL**

**No. 1844**

**Introduced by Assembly Member Campos**

(Principal coauthor: Senator Yee)

(Coauthors: Assembly Members Alejo, Allen, Gordon, Roger Hernández, Hueso, Lara, Perea, Portantino, Wagner, Wieckowski, and Yamada)

February 22, 2012

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An act to add Chapter 2.5 (commencing with Section 980) to Part 3 of Division 2 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1844, as amended, Campos. Employer use of social media.

Existing law generally regulates the conduct of employers in the state.

This bill would prohibit an employer from requiring or requesting an employee or applicant for employment to disclose a user name or password for the purpose of accessing personal social media, to access personal social media in the presence of the employer, or to divulge any personal social media. This bill would also prohibit an employer from discharging, disciplining, threatening to discharge or discipline,

or otherwise retaliating against an employee or applicant for not complying with a request or demand by the employer that violates these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter 2.5 (commencing with Section 980) is  
2 added to Part 3 of Division 2 of the Labor Code, to read:

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4 CHAPTER 2.5. EMPLOYER USE OF SOCIAL MEDIA  
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6 980. (a) As used in this chapter, “social media” means an  
7 electronic service or account, or electronic content, including, but  
8 not limited to, videos, still photographs, blogs, video blogs,  
9 podcasts, instant and text messages, email, online services or  
10 accounts, or Internet Web site profiles or locations.

11 (b) An employer shall not require or request an employee or  
12 applicant for employment to do any of the following:

13 (1) Disclose a ~~username~~ *username* or password for the purpose  
14 of accessing personal social media.

15 (2) Access personal social media in the presence of the  
16 employer.

17 (3) Divulge any personal social media, *except as provided in*  
18 *subdivision (c).*

19 (c) Nothing in this section ~~is intended to~~ *shall* affect an  
20 employer’s existing rights and obligations to ~~investigate~~ *request*  
21 *an employee to divulge personal social media reasonably believed*  
22 *to be relevant to an investigation of allegations of employee*  
23 *misconduct or employee violation of applicable laws and*  
24 *regulations, provided that the social media is used solely for*  
25 *purposes of that investigation or a related proceeding.*

26 (d) Nothing in this section precludes an employer from requiring  
27 or requesting an employee to disclose a username, password, or  
28 other method for the purpose of accessing an employer-issued  
29 electronic device.

30 (e) An employer shall not discharge, discipline, threaten to  
31 discharge or discipline, or otherwise retaliate against an employee  
32 or applicant for not complying with a request or demand by the

1 employer that violates this section. However, this section does not  
2 prohibit an employer from terminating or otherwise taking an  
3 adverse action against an employee or applicant if otherwise  
4 permitted by law.

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