

AMENDED IN SENATE AUGUST 22, 2012  
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

**ASSEMBLY BILL**

**No. 1844**

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**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.

*Under existing law, the Labor Commissioner, who is the Chief of the Division of Labor Standards Enforcement in the Department of Industrial Relations, is required to establish and maintain a field enforcement unit to investigate specified violations of the Labor Code and other labor laws and to enforce minimum labor standards. Existing law authorizes, and under specified circumstances requires, the Labor Commissioner to investigate employee complaints of violations of the Labor Code, provide for a hearing, and determine all matters arising under his or her jurisdiction.*

*This bill would provide that the Labor Commissioner is not required to investigate or determine any violation of a provision of this bill.*

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 or password for the purpose of  
14 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).

1 (c) Nothing in this section shall affect an employer’s existing  
2 rights and obligations to request an employee to divulge personal  
3 social media reasonably believed to be relevant to an investigation  
4 of allegations of employee misconduct or employee violation of  
5 applicable laws and regulations, provided that the social media is  
6 used solely for purposes of that investigation or a related  
7 proceeding.

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

12 (e) An employer shall not discharge, discipline, threaten to  
13 discharge or discipline, or otherwise retaliate against an employee  
14 or applicant for not complying with a request or demand by the  
15 employer that violates this section. However, this section does not  
16 prohibit an employer from terminating or otherwise taking an  
17 adverse action against an employee or applicant if otherwise  
18 permitted by law.

19 *SEC. 2. Notwithstanding any other provision of law, the Labor*  
20 *Commissioner, who is Chief of the Division of Labor Standards*  
21 *Enforcement, is not required to investigate or determine any*  
22 *violation of this act.*