

**ASSEMBLY BILL**

**No. 25**

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**Introduced by Assembly Member Campos**

December 3, 2012

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An act to amend Section 980 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 25, as introduced, Campos. Employment: social media.

Existing law prohibits a private employer from requiring or requesting an employee or applicant for employment to disclose a username 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. Existing law prohibits a private 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 that violates these provisions.

This bill would apply the provisions described above to public employers. The bill would state that its provisions address a matter of statewide interest and apply to public employers generally, including charter cities and counties.

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

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

- 1 SECTION 1. Section 980 of the Labor Code is amended to
- 2 read:
- 3 980. (a) As used in this ~~chapter~~, "social *chapter*:

1 (1) “Employer” means a private employer or a public employer.

2 (2) “Social media” means an electronic service or account, or  
3 electronic content, including, but not limited to, videos, still  
4 photographs, blogs, video blogs, podcasts, instant and text  
5 messages, email, online services or accounts, or Internet Web site  
6 profiles or locations.

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

9 (1) Disclose a username or password for the purpose of  
10 accessing personal social media.

11 (2) Access personal social media in the presence of the  
12 employer.

13 (3) Divulge any personal social media, except as provided in  
14 subdivision (c).

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

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

26 (e) An employer shall not discharge, discipline, threaten to  
27 discharge or discipline, or otherwise retaliate against an employee  
28 or applicant for not complying with a request or demand by the  
29 employer that violates this section. However, this section does not  
30 prohibit an employer from terminating or otherwise taking an  
31 adverse action against an employee or applicant if otherwise  
32 permitted by law.

33 SEC. 2. Because of the crucial privacy rights at issue and the  
34 growing abuse of those rights, the Legislature finds and declares  
35 that this act addresses a matter of statewide interest and applies to  
36 public employers generally, including charter cities and counties.