

FIRST REGULAR SESSION

HOUSE BILL NO. 544

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCCANN BEATTY.

1370H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 285, RSMo, by adding thereto one new section relating to employer's request for account information from a social networking website.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 285, RSMo, is amended by adding thereto one new section, to be known as section 285.603, to read as follows:

285.603. 1. (1) It shall be unlawful for any employer to request or require any employee or prospective employee to provide any password or other related account information in order to gain access to the employee's or prospective employee's account or profile on a social networking website or to demand access in any manner to an employee's or prospective employee's account or profile on a social networking website.

(2) Nothing in this subsection shall limit an employer's right to:

(a) Promulgate and maintain lawful workplace policies governing the use of the employer's electronic equipment, including policies regarding internet use, social networking site use, and electronic mail use; and

(b) Monitor usage of the employer's electronic equipment and the employer's electronic mail without requesting or requiring any employee or prospective employee to provide any password or other related account information in order to gain access to the employee's or prospective employee's account or profile on a social networking website.

(3) Nothing in this subsection shall prohibit an employer from obtaining information about a prospective employee or an employee that is in the public domain or that is otherwise obtained in compliance with this section.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **2. For purposes of this section, "social networking website" means an**
18 **internet-based service that allows individuals to:**

19 **(1) Construct a public or semi-public profile within a bounded system, created by**
20 **the service;**

21 **(2) Create a list of other users with whom they share a connection within the**
22 **system; and**

23 **(3) View and navigate their list of connections and those made by others within the**
24 **system.**

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26 **"Social networking website" shall not include electronic mail.**

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