SENATE BILL 433

By: **Senators Young, Kelley, King, Montgomery, and Shank**
Introduced and read first time: February 2, 2012
Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Labor and Employment – User Name and Password Privacy Protection**

3 FOR the purpose of prohibiting an employer from requesting or requiring that an
4   employee or applicant disclose any user name, password, or other means for
5   accessing a personal account or service through certain electronic
6   communications devices; prohibiting an employer from taking, or threatening to
7   take, certain disciplinary actions for an employee's refusal to disclose certain
8   password and related information; prohibiting an employer from failing or
9   refusing to hire an applicant as a result of the applicant's refusal to disclose
10   certain password and related information; defining certain terms; and generally
11   relating to employment and privacy protection.

12 BY adding to
13   Article – Labor and Employment
14   Section 3–712
15   Annotated Code of Maryland
16   (2008 Replacement Volume and 2011 Supplement)

17   SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

Article – Labor and Employment

20 **3–712.**

21   **(A)   (1)   IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
22 **MEANINGS INDICATED.**

23   **(2)   "APPLICANT" MEANS AN APPLICANT FOR EMPLOYMENT.**

1   **(3)**   **(I)**   "**ELECTRONIC COMMUNICATIONS DEVICE**" **MEANS ANY**
2   **DEVICE THAT USES ELECTRONIC SIGNALS TO CREATE, TRANSMIT, AND RECEIVE**
3   **INFORMATION.**

4   **(II)**   "**ELECTRONIC COMMUNICATIONS DEVICE**" **INCLUDES**
5   **COMPUTERS, TELEPHONES, PERSONAL DIGITAL ASSISTANTS, AND OTHER**
6   **SIMILAR DEVICES.**

7   **(4)**   **(I)**   "**EMPLOYER**" **MEANS:**

8   **1.**   **A PERSON ENGAGED IN A BUSINESS, AN**
9   **INDUSTRY, A PROFESSION, A TRADE, OR OTHER ENTERPRISE IN THE STATE; OR**

10   **2.**   **A UNIT OF STATE OR LOCAL GOVERNMENT.**

11   **(II)**   "**EMPLOYER**"   **INCLUDES**   **AN**   **AGENT,**   **A**
12   **REPRESENTATIVE, AND A DESIGNEE OF THE EMPLOYER.**

13   **(B)**   **(1)**   **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN**
14   **EMPLOYER MAY NOT REQUEST OR REQUIRE THAT AN EMPLOYEE OR APPLICANT**
15   **DISCLOSE ANY USER NAME, PASSWORD, OR OTHER MEANS FOR ACCESSING A**
16   **PERSONAL ACCOUNT OR SERVICE THROUGH AN ELECTRONIC COMMUNICATIONS**
17   **DEVICE.**

18   **(2)**   **AN EMPLOYER MAY REQUIRE AN EMPLOYEE TO DISCLOSE ANY**
19   **USER NAME, PASSWORD, OR OTHER MEANS FOR ACCESSING NONPERSONAL**
20   **ACCOUNTS OR SERVICES THAT PROVIDE ACCESS TO THE EMPLOYER'S INTERNAL**
21   **COMPUTER OR INFORMATION SYSTEMS.**

22   **(C)**   **AN EMPLOYER MAY NOT:**

23   **(1)**   **DISCHARGE, DISCIPLINE, OR OTHERWISE PENALIZE OR**
24   **THREATEN TO DISCHARGE, DISCIPLINE, OR OTHERWISE PENALIZE AN**
25   **EMPLOYEE FOR AN EMPLOYEE'S REFUSAL TO DISCLOSE ANY INFORMATION**
26   **SPECIFIED IN SUBSECTION (B)(1) OF THIS SECTION; OR**

27   **(2)**   **FAIL OR REFUSE TO HIRE ANY APPLICANT AS A RESULT OF**
28   **THE APPLICANT'S REFUSAL TO DISCLOSE ANY INFORMATION SPECIFIED IN**
29   **SUBSECTION (B)(1) OF THIS SECTION.**

30   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31   October 1, 2012.