
A BILL FOR AN ACT

RELATING TO SOCIAL MEDIA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 378, Hawaii Revised Statutes, is
2 amended by adding a new section to part I to be appropriately
3 designated and to read as follows:

4 "§378- Employer access to employee or potential employee
5 personal accounts prohibited. (a) An employer shall not
6 require, request, suggest, or cause an employee or potential
7 employee to do any of the following:

- 8 (1) Disclose a username or password for the purpose of
9 accessing the employee or potential employee's
10 personal account;
11 (2) Access the employee or potential employee's personal
12 account in the presence of the employer; or
13 (3) Divulge any personal account, except as provided in
14 subsection (b).

15 (b) Nothing in this section shall affect an employer's
16 existing rights and obligations to require an employee to
17 divulge a personal account reasonably believed to be relevant to



1 an investigation of allegations of employee misconduct or
2 employee violation of applicable law; provided that such
3 information is used solely for purposes of that investigation or
4 a related proceeding.

5 (c) Nothing in this section shall be construed to prevent
6 an employer from complying with the requirements of state or
7 federal statutes, rules, regulations, or case law, or rules of
8 self-regulatory organizations.

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

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

20 (f) Nothing in this section shall be construed to conflict
21 with or affect the application of federal law.



1 (g) As used in this section, "personal account" means an
 2 account, service, or profile on a social networking website that
 3 is used by an employee or potential employee exclusively for
 4 personal communications unrelated to any business purposes of
 5 the employer. This definition shall not apply to any account,
 6 service, or profile created, maintained, used, or accessed by an
 7 employee or potential employee for business purposes of the
 8 employer or to engage in business-related communications."

9 SECTION 2. This Act does not affect rights and duties that
 10 matured, penalties that were incurred, and proceedings that were
 11 begun before its effective date.

12 SECTION 3. New statutory material is underscored.

13 SECTION 4. This Act shall take effect on January 1, 2016.

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INTRODUCED BY:

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H.B. NO. 1305

Report Title:

Personal Account; Privacy; Employment; Social Networking Website

Description:

Prohibits employers from requiring, requesting, suggesting, or causing employees and potential employees to grant access to personal account usernames or passwords for a social networking website.

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