

SB2306



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB2306

Introduced 2/15/2013, by Sen. Christine Radogno

SYNOPSIS AS INTRODUCED:

820 ILCS 55/10

from Ch. 48, par. 2860

Amends the Right to Privacy in the Workplace Act. Provides that the restriction on an employer's request for information concerning an employee's social networking profile or website applies to only the employee's personal account. Defines terms. Provides that employers are not prohibited from complying with the rules of self-regulatory organizations.

LRB098 07066 JLS 37125 b

A BILL FOR

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Right to Privacy in the Workplace Act is
5 amended by changing Section 10 as follows:

6 (820 ILCS 55/10) (from Ch. 48, par. 2860)

7 Sec. 10. Prohibited inquiries.

8 (a) It shall be unlawful for any employer to inquire, in a
9 written application or in any other manner, of any prospective
10 employee or of the prospective employee's previous employers,
11 whether that prospective employee has ever filed a claim for
12 benefits under the Workers' Compensation Act or Workers'
13 Occupational Diseases Act or received benefits under these
14 Acts.

15 (b) (1) It shall be unlawful for any employer to request or
16 require any employee or prospective employee to provide any
17 password or other related account information in order to gain
18 access to the employee's or prospective employee's personal
19 account or profile on a social networking website or to demand
20 access in any manner to an employee's or prospective employee's
21 personal account or profile on a social networking website.

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

1 (A) promulgate and maintain lawful workplace policies
2 governing the use of the employer's electronic equipment,
3 including policies regarding Internet use, social
4 networking site use, and electronic mail use; ~~and~~

5 (B) monitor usage of the employer's electronic
6 equipment and the employer's electronic mail without
7 requesting or requiring any employee or prospective
8 employee to provide any password or other related account
9 information in order to gain access to the employee's or
10 prospective employee's account or profile on a social
11 networking website; or.

12 (C) comply with the requirements of State or federal
13 statutes, rules, regulations, case law, or rules of
14 self-regulatory organizations.

15 (3) Nothing in this subsection shall prohibit an employer
16 from obtaining about a prospective employee or an employee
17 information that is in the public domain or that is otherwise
18 obtained in compliance with this amendatory Act of the 97th
19 General Assembly.

20 (4) For the purposes of this subsection, "social networking
21 website" means an Internet-based service that allows
22 individuals to:

23 (A) construct a public or semi-public profile within a
24 bounded system, created by the service;

25 (B) create a list of other users with whom they share a
26 connection within the system; and

1 (C) view and navigate their list of connections and
2 those made by others within the system.

3 "Social networking website" shall not include electronic
4 mail.

5 For purposes of this subsection, "personal account" means
6 an account, service, or profile on a social networking website
7 that is used by a current or prospective employee exclusively
8 for personal communications unrelated to any business purposes
9 of the employer. This definition does not apply to any account,
10 service, or profile created, maintained, used, or accessed by a
11 current or prospective employee for business purposes of the
12 employer or to engage in business related communications.

13 (Source: P.A. 97-875, eff. 1-1-13.)