



## **LABOR CODE - LAB**

### **DIVISION 2. EMPLOYMENT REGULATION AND SUPERVISION [200 - 2699.5]** ( *Division 2 enacted by Stats. 1937, Ch. 90.* )

### **PART 3. PRIVILEGES AND IMMUNITIES [920 - 1138.5]** ( *Part 3 enacted by Stats. 1937, Ch. 90.* )

#### **CHAPTER 2.5. Employer Use of Social Media [980- 980.]** ( *Chapter 2.5 added by Stats. 2012, Ch. 618, Sec. 1.* )

**980.** (a) As used in this chapter, “social media” means an electronic service or account, or electronic content, including, but not limited to, videos, still photographs, blogs, video blogs, podcasts, instant and text messages, email, online services or accounts, or Internet Web site profiles or locations.

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

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

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

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

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

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

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

*(Amended by Stats. 2013, Ch. 76, Sec. 142. Effective January 1, 2014.)*