Maryland OKs Bill Banning Employers From Requesting Passwords

The Maryland legislature has passed a bill that officially bans employers from asking for their employees' online passwords.

Specifically, the bills - SB 433 and HB 964 - ban "an employer from requesting or requiring that an employee or applicant disclose any user name, password, or other means for accessing a personal account or service through specified electronic communications devices."

Employees are also banned from punishing or threatening to take action against those who refuse to give up those passwords or data.
As reported by the *Baltimore Sun*, the bill - which passed both chambers on April 1 - currently awaits the signature of Gov. Martin O'Malley.

The American Civil Liberties Union (ACLU) of Maryland championed the vote. "We are proud of Maryland for standing up for the online privacy of employees and the friends and family members they stay in touch with online," Melissa Goemann, legislative director of ACLU of Maryland, said in a statement. "Our state has trail-blazed a new frontier in protecting freedom of expression in the digital age, and has created a model for other states to follow."

The issue cropped up last month after reports emerged of employers asking current and prospective employees to hand over passwords or access to services like Facebook.

The controversy prompted Facebook to weigh in and condemn the practice. In a recent interview with PCMag, Fred Wolens, Facebook's public policy manager, said the company opted to make a public statement because "there were a lot of questions and implications that I'm not sure employers were considering when engaging in these practices."

Chief among them, he said, was the fact that by signing into an employee's Facebook account, employers were not only gaining access to their worker's account but the accounts of friends who showed up on the newsfeed. There's also a liability issue, he continued. A Facebook profile might contain information about disability or pregnancy status, which could open a company up to employee discrimination suits.

Congress, however, was not as successful as Maryland lawmakers with similar legislation. House Republicans last month defeated an amendment that would have banned current or prospective employers from requiring workers to hand over personal passwords as a condition of keeping or getting a new job.