

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

Senate Bill 971
Finance

(Senator Young)

Labor and Employment - User Name and Password Privacy Protection

This bill specifies that an employer may not require an employee or any applicant for employment to disclose any user name or password for any Internet site or web-based account. An employer may require an employee to disclose any user name or password that provides access to the employer's internal computer or information systems.

The bill applies to both public- and private-sector employers. Employers may not refuse to hire an applicant or discharge, discipline, or otherwise penalize, or threaten to penalize an employee due to refusal to disclose any user name or password information.

Fiscal Summary

State Effect: The Department of Budget and Management (DBM) advises that the practice of requesting such information from employees or applicants for hire only occurs during the process of conducting a background investigation for work with a law enforcement agency. Thus, the bill only applies in a limited number of cases and does not directly affect State finances or operations.

Local Effect: The bill does not directly affect local government operations or finances.

Small Business Effect: Potential minimal.

Analysis

Current Law/Background: State law does not specifically address privacy issues related to an employee's personal user name and password information.

Until recently the Maryland Department of Public Safety and Correctional Services (DPSCS) asked prospective employees for their user names and passwords to social media websites as part of the department's background investigation process. DPSCS discontinued the practice after an employee in the recertification process to return to work with the agency claimed that the process was a violation of his personal privacy. DPSCS originally authorized the practice in 2010 in an effort to screen employees for gang affiliations in order to combat gang violence in the State's prison system.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): *The Washington Post*; Maryland Association of Counties; Montgomery and Worcester counties; towns of Bel Air and Leonardtown; Baltimore City; University System of Maryland; Judiciary (Administrative Office of the Courts); Maryland Department of Transportation; Department of Budget and Management; Department of Labor, Licensing, and Regulation; Department of Legislative Services;

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mlm/mcr

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