

Maryland First State to Ban Employers from Asking for Facebook Passwords

April 11, 2012 - Over the past few weeks, the story has been all over the news and the blogosphere. Some employers have started asking prospective and current employees to fork over their Facebook passwords. The employers doing this want to know if users get drunk regularly, post racy pictures or badmouth other employers. But the people being asked to turn over their passwords feel that their privacy is being violated. Now Maryland has become the first state to outlaw the practice.

Tweet

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(function() {  
var s = document.createElement('SCRIPT'), s1 = document.getElementsByTagName('SCRIPT')[0];  
s.type = 'text/javascript';  
s.src = 'http://widgets.digg.com/buttons.js';  
s1.parentNode.insertBefore(s, s1);  
})();
```

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(function() {  
var po = document.createElement('script'); po.type = 'text/javascript'; po.async = true;  
po.src = 'https://apis.google.com/js/plusone.js';  
var s = document.getElementsByTagName('script')[0]; s.parentNode.insertBefore(po, s);  
})();
```

Ironically, the entire brew-ha-ha over Facebook passwords started when a prospective employee for a Maryland government job was asked for his password. He was applying for a position with the State Department of Corrections He contacted the ACLU, which made the matter public.

Since then, a number of other people have come forward, talking about similar incidents with a variety of employers. On more than one occasion, the employer asking for password information has been a government entity. Last year, a Michigan teacher was fired for not sharing her password with her employer. She subsequently filed suit against the school district she worked for. That case is due to go to arbitration in May.

Maryland's new law is the first of its kind, although other states are considering similar legislation. The new law forbids employers from asking for social network passwords and logon information. It impacts all social networks; not just Facebook.

While the law is good news for anyone seeking a job in Maryland, it does not prevent employers from looking at any

information that is publically posted. That means that if your Facebook, MySpace, Twitter or LinkedIn pages can be accessed by anyone, then there is nothing you can do to prevent a current or prospective employer from looking at them. And, very frankly, you should actually expect that anything you post on the internet will be looked at by potential employers.

Current employers are also likely to look at publically posted information. If the items that you are posting on the internet reflect poorly on you, it could impact personnel decisions that your employer makes. If the information you are posting online includes derogatory comments about a current employer, then you could even be terminated. And if it includes postings that are derogatory about a former employer, that could actually keep you from getting another job. No employer wants to hire someone who may turn out to be less than loyal. Even if you feel that you have been victimized by an employer, think long and hard before posting anything on the internet. Once information is available online, it never goes away.

Social networks have led to a cottage industry; companies that check a wide variety of social networking sites to gather information. These companies work for employers, private investigators, debt collectors, and even colleges and universities that are trying to keep tabs on student athletes.

Bottom line is that if you wouldn't want to read your post in the morning paper, then you probably shouldn't be posting it in the first place.

byJim Malmberg

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