

House Bill 117

By: Representatives Scott of the 76<sup>th</sup>, Jordan of the 77<sup>th</sup>, Jones of the 53<sup>rd</sup>, Beasley-Teague of the 65<sup>th</sup>, Brooks of the 55<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 1 of Title 34 of the Official Code of Georgia Annotated, relating to  
2 general provisions regarding labor and industrial relations, so as to prohibit employers from  
3 requesting username, password, or other means of accessing an account or service for the  
4 purpose of accessing personal social media through an electronic communications device of  
5 employees or prospective employees with certain exceptions; to provide for penalties; to  
6 provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 1 of Title 34 of the Official Code of Georgia Annotated, relating to general  
10 provisions regarding labor and industrial relations, is amended by adding a new Code section  
11 to read as follows:

12 "34-1-8.

13 (a) As used in this Code section, the term:

14 (1) 'Electronic communications device' means any device that uses electronic signals to  
15 create, transmit, or receive information. Electronic communications devices include  
16 computers, telephones, personal digital assistants, and other similar devices.

17 (2) 'Employee' means any person engaged in service to an employer in a business of the  
18 employer.

19 (3) 'Employer' means any person or entity that employs one or more employees and shall  
20 include the government of the State of Georgia or the government of any political  
21 subdivision of the State of Georgia or any branch, department, board, bureau,  
22 commission, or authority of any such government.

23 (4) 'Social media' means an electronic service or account, or electronic content,  
24 including, but not limited to, videos, still photographs, blogs, video blogs, podcasts,  
25 instant and text messages, email, online services or accounts, or Internet website profiles  
26 or locations.

27 (b) No employer nor an employer's agent, representative, or designee shall request or  
28 require that an employee or prospective employee disclose any username, password, or  
29 other means of accessing a personal account or service through an electronic  
30 communications device.

31 (c) No employer nor an employer's agent, representative, or designee shall request or  
32 require that an employee or prospective employee access personal social media in the  
33 presence of the employer or divulge any personal social media activity, except as described  
34 in subsection (d) of this Code section.

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

40 (e) Nothing in this Code section shall be construed as preventing an employer from  
41 requiring an employee to disclose any username, password, or other means of accessing  
42 nonpersonal accounts or services that provide access to the employer's internal computer  
43 or information systems.

44 (f) Any employer, employer's agent, representative, or designee that violates any provision  
45 of this Code section may be assessed a civil penalty of not less than \$200.00 nor more than  
46 \$400.00."

47 **SECTION 2.**

48 All laws and parts of laws in conflict with this Act are repealed.