

## House Resolution 1103

By: Representatives Scott of the 76<sup>th</sup>, Jones of the 53<sup>rd</sup>, Kendrick of the 93<sup>rd</sup>, Bennett of the 94<sup>th</sup>, Waites of the 60<sup>th</sup>, and others

## A RESOLUTION

- 1 Promoting individual rights through social media privacy protection; and for other purposes.
- 2 WHEREAS, ensuring individual rights and protecting all Americans from discrimination are  
3 priorities of the House of Representatives; and
- 4 WHEREAS, no federal law prohibits employers from requiring potential and current  
5 employees to disclose personal social media account login information so that they may gain  
6 unfettered access; and
- 7 WHEREAS, Americans can use personal social media accounts to post religious views,  
8 sexual orientation, marital and parental status, personal interest, and political affiliations,  
9 which should not be determinants of successful employment; and
- 10 WHEREAS, the Pew Research Center indicated that African Americans and Latinos  
11 over-index in the use of social media, especially Twitter, YouTube, and other video-sharing  
12 sites; and
- 13 WHEREAS, there are a number of alternative methods to screen applicants for employment,  
14 including aptitude tests, drug screening, and integrity tests; and
- 15 WHEREAS, employers are within their rights to locate information listed on the public pages  
16 of prospective and current employees without taking the next step to gain access to the  
17 profile itself; and
- 18 WHEREAS, civil rights advocates warn against the potential for employment discrimination  
19 and retaliation as a potential employer may obtain additional information about a candidate  
20 after viewing social networking sites that they would not ordinarily have had the legal right  
21 to obtain, which could adversely affect the hiring process; and

22 WHEREAS, in 2012, six states enacted legislation that prohibits requesting or requiring an  
23 employee, student, or applicant to disclose a username and password for personal social  
24 media accounts; and

25 WHEREAS, legislation has been introduced in Congress to limit how employers, schools,  
26 and universities can ask employees, students, and applicants for social networking  
27 information; and

28 WHEREAS, additional legislation has been introduced in Congress with an even greater  
29 focus on privacy protections for employees.

30 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that  
31 the members of this body understand the importance of fair and just hiring practices and how  
32 the abuse of social media privacy can have a discriminatory and unfair impact on persons  
33 from certain socioeconomic or cultural backgrounds.

34 BE IT FURTHER RESOLVED that the House of Representatives requests that Congress  
35 make it unlawful to require job applicants and current employees to provide the account  
36 username and/or password for personal social media accounts as this is an invasion of the  
37 applicant's and employee's privacy.

38 BE IT FURTHER RESOLVED that the members of this body call upon social media  
39 companies to educate the public about privacy on the Internet and available privacy  
40 protections, particularly younger generations that may not fully understand the implication  
41 of certain actions.

42 BE IT FURTHER RESOLVED that the House of Representatives applauds members of  
43 Congress who have already introduced legislation to federally address social media privacy  
44 for Americans.

45 BE IT FURTHER RESOLVED that the House of Representatives also applauds Arkansas,  
46 California, Colorado, Delaware, Illinois, Maryland, Michigan, New Jersey, New Mexico,  
47 Oregon, Utah, Vermont, and Washington for enacting legislation in 2012 and 2013 that  
48 addresses social media privacy rights.

49 BE IT FURTHER RESOLVED that the Clerk of the House of Representatives is authorized  
50 and directed to transmit an appropriate copy of this resolution to the President of the United

51 States, the Vice President of the United States, members of the United States House of  
52 Representatives and United States Senate, and other federal and state government officials  
53 as appropriate.