

SENATE BILL No. 53

By Committee on Federal and State Affairs

1-18

1 AN ACT concerning employee privacy; relating to social media access by
2 employers.

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4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. (a) Except as provided in subsection (c), no employer shall
6 request or require an employee or applicant for employment to:

7 (1) Disclose the existence of any personal account or service or any
8 user name, password or other means of access to such personal account or
9 service;

10 (2) access a personal account or service in the presence of an
11 employer; or

12 (3) divulge any personal electronic content from a personal account
13 or service.

14 (b) No employer shall:

15 (1) Discharge, discipline, penalize or otherwise retaliate or threaten to
16 discharge, discipline or otherwise penalize an employee for such
17 employee's refusal to comply with any request or requirement described in
18 subsection (a); or

19 (2) fail or refuse to hire an applicant for employment for such
20 applicant's refusal to comply with any request or requirement described in
21 subsection (a).

22 (c) Nothing in this section shall be construed to affect an employer's
23 existing rights or obligations to:

24 (1) Request an employee to divulge personal electronic content
25 reasonably believed to be relevant to an investigation of an allegation of
26 employee misconduct, solely for the purposes of such investigation or a
27 related proceeding; or

28 (2) require an employee to disclose a username, password or other
29 means of access to:

30 (A) Accounts or services that provide access to the employer's
31 internal computer or information systems; or

32 (B) electronic devices issued by such employer.

33 (d) As used in this section:

34 (1) "Employer" means an individual, partnership, association, joint
35 stock company, trust, corporation, limited liability company or other
36 organization, the state of Kansas or any department, agency or authority of

1 the state, any city, county, school district or other political subdivision,
2 municipality or public corporation and any instrumentality thereof,
3 employing any person;

4 (2) "personal account or service" means an account, service or profile
5 on an email, social networking or any other website that is used by a
6 person for personal communications unrelated to the business purposes of
7 the employer;

8 (3) "personal electronic content" means the electronically stored
9 content of an individual including, but not limited to, pictures, videos,
10 emails and other data files; and

11 (4) "social networking website" means a privacy-protected internet
12 website which allows individuals to construct a public or semi-public
13 profile within a bounded system created by the service, create a list of
14 other users with whom the individual shares a connection within the
15 system, and view and navigate the list of users with whom the individual
16 shares a connection and those lists of users made by others within the
17 system.

18 Sec. 2. This act shall take effect and be in force from and after its
19 publication in the statute book.
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