

# State of South Dakota

NINETIETH SESSION  
LEGISLATIVE ASSEMBLY, 2015

391W0522

## SENATE BILL NO. 123

Introduced by: Senators Hunhoff (Bernie), Rampelberg, and Sutton and Representatives  
Gibson, Deutsch, Hawley, Hickey, and Wiik

1 FOR AN ACT ENTITLED, An Act to prohibit an employer from requiring an employee or  
2 applicant to provide passwords to personal accounts.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 60-11 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 No employer may:

- 7 (1) Require an employee or prospective employee to disclose a username, password, or  
8 other means of authentication for accessing a personal online account through an  
9 electronic communication device;
- 10 (2) Require an employee or prospective employee to access a personal account in the  
11 presence of the employer in a manner that enables the employer to observe the  
12 contents of the personal account;
- 13 (3) Take retaliatory personnel action that negatively affects the terms and conditions of  
14 employment against an employee due to the employee's refusal of the employer's  
15 request to provide a username, password, or other means of authentication for



1           accessing a personal online account;

2       (4)   Refuse to hire a prospective employee solely as a result of the prospective employee's  
3           refusal of the prospective employer's request to provide a username, password, or  
4           other means of authentication for accessing a personal online account.

5       Section 2. That chapter 60-11 be amended by adding thereto a NEW SECTION to read as  
6 follows:

7       If an employer inadvertently obtains a username, password, or other means of authentication  
8 for accessing an employee's personal account, the employer is not liable for having the  
9 information. However, the employer may not use the information to access the employee's  
10 personal online account.