

SENATE BILL 971

K3, L6, P4

11r3065

By: **Senator Young**

Introduced and read first time: March 7, 2011

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Labor and Employment – User Name and Password Privacy Protection**

3 FOR the purpose of prohibiting an employer from requiring an employee or applicant
4 for employment to disclose any user names or passwords for any Internet sites
5 or Web-based accounts; authorizing an employer to require an employee to
6 disclose a user name or password that provides access to the employer's internal
7 computer or information systems; prohibiting an employer from taking, or
8 threatening to take, certain disciplinary actions for an employee's refusal to
9 disclose certain user name or password information; prohibiting an employer
10 from failing or refusing to hire an applicant for employment as a result of the
11 applicant's refusal to disclose certain user name or password information;
12 defining certain terms; and generally relating to employment and disclosure of
13 user names and passwords.

14 BY adding to

15 Article – Labor and Employment

16 Section 3-711

17 Annotated Code of Maryland

18 (2008 Replacement Volume and 2010 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article – Labor and Employment**

22 **3-711.**

23 **(A) (1) IN THIS SECTION, “EMPLOYER” MEANS:**

24 **(I) A PERSON ENGAGED IN A BUSINESS, INDUSTRY,**
25 **PROFESSION, TRADE, OR OTHER ENTERPRISE IN THE STATE; OR**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(II) A UNIT OF STATE OR LOCAL GOVERNMENT.**

2 **(2) “EMPLOYER” INCLUDES AN AGENT, REPRESENTATIVE, OR**
3 **DESIGNEE OF THE EMPLOYER.**

4 **(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN**
5 **EMPLOYER MAY NOT REQUIRE AN EMPLOYEE OR ANY APPLICANT FOR**
6 **EMPLOYMENT TO DISCLOSE ANY USER NAME OR PASSWORD FOR ANY INTERNET**
7 **SITE OR WEB-BASED ACCOUNT.**

8 **(2) AN EMPLOYER MAY REQUIRE AN EMPLOYEE TO DISCLOSE ANY**
9 **USER NAME OR PASSWORD THAT PROVIDES ACCESS TO THE EMPLOYER’S**
10 **INTERNAL COMPUTER OR INFORMATION SYSTEMS.**

11 **(C) AN EMPLOYER MAY NOT:**

12 **(1) DISCHARGE, DISCIPLINE, OR OTHERWISE PENALIZE OR**
13 **THREATEN TO DISCHARGE, DISCIPLINE, OR OTHERWISE PENALIZE AN**
14 **EMPLOYEE FOR AN EMPLOYEE’S REFUSAL TO DISCLOSE ANY INFORMATION**
15 **SPECIFIED IN SUBSECTION (B)(1) OF THIS SECTION; OR**

16 **(2) FAIL OR REFUSE TO HIRE ANY APPLICANT FOR EMPLOYMENT**
17 **AS A RESULT OF THE APPLICANT’S REFUSAL TO DISCLOSE ANY INFORMATION**
18 **SPECIFIED IN SUBSECTION (B)(1) OF THIS SECTION.**

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2011.