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## Facebook, Twitter, Snapchat, and E-mail: Connecticut Online Privacy Law Limits Employers

On May 19, 2015, Connecticut Governor Dannel Malloy signed [Public Act 15-6](#), limiting an employer's access to the personal online accounts, including, but not limited to, electronic mail, social media, and online accounts of retail-based Internet websites of its employees and prospective employees. The law, which takes effect on October 1, 2015, applies to employers of all sizes, protecting both employees and applicants, with a specific exclusion for state and municipal law enforcement agencies conducting investigations of law enforcement personnel. With the passage of this law, Connecticut is the 21st state to limit employers' access to online accounts of employees and applicants, in line with the national trend, as many states have passed, or have considered passing, similar laws. According to the [National Conference of State Legislatures](#), at least 23 states had related legislation introduced or considered this year. In 2014, New Hampshire and Rhode Island were among the seven states that passed legislation limiting an employer's access to employees' personal online accounts.

The law prohibits employers from the following:

- requesting or requiring that an employee or applicant provide a user name, password, and/or other authentication means for accessing a personal online account
- requesting or requiring that an employee or applicant authenticate or access a personal online account in the presence of the employer
- requiring that an employee or applicant invite such employer or accept an invitation from the employer to join a group affiliated with any personal online account of the employee or applicant.

The law also prohibits employers from discharging, disciplining, discriminating against, retaliating against, or otherwise penalizing any employee who refuses to provide employers with the information above or files a complaint related to any violations of the law. Further, employers cannot refuse to hire any applicant based on the refusal to furnish this information.

[Public Act 15-6](#) does not, however, limit an employer's ability to request that an employee provide a user name and password for accessing an online account associated with the employer, or that the employee uses for the employer's business, or for any electronic device supplied or paid for by the employer. Notably, the law also specifically provides that employers are not prohibited from discharging, disciplining, or otherwise penalizing an employee or applicant who has transferred the employer's

proprietary information, confidential information, or financial data to or from a personal online account without the employer's permission.

Employers may investigate “for the purpose of ensuring compliance with applicable state or federal laws” when “specific information” is received concerning work-related employee misconduct involving activity on a personal online account or the unauthorized transfer of the employer's proprietary information, confidential information, or financial data. Employers, however, cannot require the employee or applicant to disclose the user name, password, and/or other authentication means for the personal online account.

The sanctions for violating this law include civil penalties as well as other relief, such as reinstatement, back wages, and/or any other remedies the labor commissioner deems appropriate.

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