

---

---

# A BILL FOR AN ACT

RELATING TO SOCIAL MEDIA.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Chapter 378, Hawaii Revised Statutes, is  
2 amended by adding a new section to part III to be appropriately  
3 designated and to read as follows:

4           "§378-       Employer access to employee personal accounts  
5 prohibited. (a) An employer shall not require or request an  
6 employee or applicant for employment to do any of the following:

7           (1) Disclose a username or password for the purpose of  
8           accessing the employee's or applicant's personal  
9           account;

10          (2) Access the employee's or applicant's personal account  
11          in the presence of the employer; or

12          (3) Divulge any personal account, except as provided in  
13          subsection (b).

14          (b) Nothing in this section shall affect an employer's  
15 existing rights and obligations to require an employee to  
16 divulge a personal account reasonably believed to be relevant to  
17 an investigation of allegations of employee misconduct or  
18 employee violation of applicable law; provided that such



1 information is used solely for purposes of that investigation or  
2 a related proceeding.

3 (c) Nothing in this section shall be construed to prevent  
4 an employer from complying with the requirements of state or  
5 federal statutes, rules, regulations, or case law, or rules of  
6 self-regulatory organizations.

7 (d) Nothing in this section shall preclude an employer  
8 from requiring or requesting an employee to disclose a username  
9 or password for the purpose of accessing an employer-issued  
10 electronic device.

11 (e) An employer shall not discharge, discipline, threaten  
12 to discharge or discipline, or retaliate against an employee or  
13 applicant for not complying with a request or demand by the  
14 employer that violates this section; provided that this section  
15 shall not prohibit an employer from terminating or taking an  
16 adverse action against an employee or applicant if otherwise  
17 permitted by law.

18 (f) This section shall not apply to law enforcement  
19 agencies conducting background checks of applicants for  
20 employment; provided that at no time shall a law enforcement  
21 agency require an applicant or employee to disclose the  
22 applicant or employee's password for a personal account.



1       (g) As used in this section, "personal account" means an  
2 account, service, or profile on a social networking website that  
3 is used by a current or prospective employee exclusively for  
4 personal communications unrelated to any business purposes of  
5 the employer. This definition shall not apply to any account,  
6 service, or profile created, maintained, used, or accessed by a  
7 current or prospective employee for business purposes of the  
8 employer or to engage in business-related communications."

9       SECTION 2. This Act does not affect rights and duties that  
10 matured, penalties that were incurred, and proceedings that were  
11 begun before its effective date.

12       SECTION 3. New statutory material is underscored.

13       SECTION 4. This Act shall take effect upon its approval.



**Report Title:**

Personal Account; Privacy; Employment

**Description:**

Prohibits employers from requiring employees and applicants for employment from disclosing personal account usernames or passwords. Creates an exception for law enforcement agencies conducting background checks of applicants for employment.  
(HB713 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

