

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 293

02/04/2013 Authored by Franson, Holberg, O'Neill, Lien, Newberger and others

The bill was read for the first time and referred to the Committee on Labor, Workplace and Regulated Industries

1.1 A bill for an act
1.2 relating to employment; prohibiting employers from requiring social network
1.3 passwords as a condition of employment; amending Minnesota Statutes 2012,
section 181.53.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2012, section 181.53, is amended to read:

1.7 **181.53 CONDITIONS PRECEDENT TO EMPLOYMENT NOT REQUIRED.**

1.8 (a) No person, whether acting directly or through an agent, or as the agent or
1.9 employee of another, shall require as a condition precedent to employment any written
1.10 statement as to the participation of the applicant in a strike, or as to a personal record, save
1.11 as to conviction of a public offense, for more than one year immediately preceding the date
1.12 of application therefor; nor shall any person, acting in any of the aforesaid capacities, use
1.13 or require blanks or forms of application for employment in contravention of this section.

1.14 (b) No person, whether acting directly or through an agent, shall require, as a
1.15 condition for consideration of employment, that any employee or prospective employee
1.16 provide any password or other related account information in order to gain access to the
1.17 employee's or prospective employee's account or profile on a social networking Web site.
1.18 For the purpose of this paragraph, "social networking site" means an Internet-based service
1.19 that allows individuals to: (1) construct a public or semipublic profile within a bounded
1.20 system created by the service; (2) create a list of other users with whom they share a
1.21 connection within the system; and (3) view and navigate their list of connections and those
1.22 made by others within the system. A social networking site shall not include electronic
1.23 mail. This paragraph shall not limit an employer's right to develop and maintain lawful

- 2.1 workplace policies governing the use of the employer's electronic equipment, including
- 2.2 policies regarding internet use, social networking site use, and electronic mail use.
- 2.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.