

By: Hinojosa

S.B. No. 118

A BILL TO BE ENTITLED

AN ACT

1
2 relating to prohibiting an employer from requiring or requesting
3 access to the personal accounts of employees and job applicants
4 through electronic communication devices; establishing an unlawful
5 employment practice.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Subchapter B, Chapter 21, Labor Code, is amended
8 by adding Section 21.0605 to read as follows:

9 Sec. 21.0605. REQUIRING OR REQUESTING PERSONAL ACCOUNT
10 ACCESS. (a) In this section, "electronic communication device"
11 includes a computer, telephone, personal digital assistant, or
12 similar device that uses electronic signals to create, transmit,
13 and receive information.

14 (b) An employer commits an unlawful employment practice if
15 the employer requires or requests that an employee or applicant for
16 employment disclose a user name, password, or other means for
17 accessing a personal account of the employee or applicant,
18 including a personal e-mail account or a social networking website
19 account or profile, through an electronic communication device.

20 (c) This section does not prohibit an employer from:

21 (1) maintaining lawful workplace policies governing:
22 (A) employee usage of employer-provided
23 electronic communication devices, including employee access to
24 personal accounts on those devices; or

1 (B) employee usage of personal electronic
2 communication devices during working hours;

3 (2) monitoring employee usage of employer-provided
4 electronic communication devices or employer-provided e-mail
5 accounts; or

6 (3) obtaining information about an employee or
7 applicant for employment that is in the public domain or that is
8 otherwise lawfully obtained.

9 SECTION 2. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2013.