

1 SENATE BILL 371

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

3 INTRODUCED BY

4 Jacob Candelaria

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10 AN ACT

11 RELATING TO EMPLOYMENT; PROHIBITING PROSPECTIVE EMPLOYERS FROM
12 REQUESTING OR REQUIRING A PROSPECTIVE EMPLOYEE TO PROVIDE A
13 PASSWORD OR ACCESS TO THE PROSPECTIVE EMPLOYEE'S SOCIAL
14 NETWORKING ACCOUNT.

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16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 SECTION 1. REQUEST FOR ACCESS TO SOCIAL NETWORKING
18 ACCOUNT PROHIBITED.--

19 A. It is unlawful for an employer to request or
20 require a prospective employee to provide a password or other
21 related account information in order to gain access to the
22 prospective employee's account or profile on a social
23 networking web site or to demand access in any manner to a
24 prospective employee's account or profile on a social
25 networking web site.

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1 B. Nothing in this section shall limit an
2 employer's right to:

3 (1) promulgate and maintain lawful workplace
4 policies;

5 (2) govern the use of the employer's
6 electronic equipment;

7 (3) have policies regarding internet use,
8 social networking site use and electronic mail use; and

9 (4) monitor usage of the employer's electronic
10 equipment and the employer's electronic mail without requesting
11 or requiring a prospective employee to provide a password or
12 other related account information in order to gain access to
13 the prospective employee's account or profile on a social
14 networking web site.

15 C. Nothing in this section shall prohibit an
16 employer from obtaining information about a prospective
17 employee that is in the public domain.

18 D. As used in this section, "social networking web
19 site" means an internet-based service that allows individuals
20 to:

21 (1) construct a public or semi-public profile
22 within a bounded system created by the service;

23 (2) create a list of other users with whom
24 they share a connection within the system; and

25 (3) view and navigate their list of

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connections and those made by others within the system.

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