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Privacy Law

ALERT

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New California Social Media Privacy Law Goes into Effect

Employers in California may no longer ask or require employees or applicants to provide their log-in credentials for social media sites such as Facebook, Tumblr and Twitter. California's Social Media Privacy Act, one of the most comprehensive social media privacy laws in the nation, went into effect on Jan. 1, 2013, and adds provisions to California's existing Labor Code that prohibit all employers – both private and public – from demanding usernames or passwords for the purpose of accessing personal social media accounts or from requiring an employee or applicant to access personal social media in the presence of the employer or to divulge any personal social media. Under [Assembly Bill 1844](#), employers may not discipline, discharge, threaten those actions, or otherwise retaliate against an existing or prospective employee for failing to comply with a demand that violates the law. The law does not prohibit employers from demanding credentials to access an employer-provided piece of equipment, however.

While the amendment to the state's Labor Code expressly provides that the California Labor Commissioner is not required to investigate or determine any violation of the act, employers that violate the act still face liability for damages in private civil actions for harassment or discrimination.

For more information about the content of this alert, please contact [Michael Thurman](#), [Jon Daryanani](#) or [Jeuan Jolly](#).

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