



General Assembly

Amendment

January Session, 2013

LCO No. 5998

SB0015905998SD0

Offered by:

SEN. OSTEN, 19th Dist.

REP. TERCYAK, 26th Dist.

To: Subst. Senate Bill No. 159

File No. 330

Cal. No. 261

"AN ACT CONCERNING EMPLOYEE PRIVACY."

1 After line 8, insert the following and renumber the remaining
2 subdivisions and internal references accordingly:

3 "(4) "Electronic communications device" means any electronic
4 device that is capable of transmitting, accepting or processing data,
5 including, but not limited to, a computer, computer network and
6 computer system, as those terms are defined in section 53a-250 of the
7 general statutes, and a cellular or wireless telephone;"

8 In line 18, strike "No" and insert in lieu thereof "Except as provided
9 in subsection (d) of this section, no"

10 In line 20, after "name" insert "and password"

11 In line 24, after "name" insert "and password"

12 In line 26, strike ";" and insert in lieu thereof ", or"

- 13 In line 27, after "body" insert "or court"
- 14 In line 28, strike "(C) who" and insert in lieu thereof "or"
- 15 Strike lines 29 to 31, inclusive
- 16 After line 31, insert:
- 17 "(3) Fail or refuse to hire any employee or applicant as a result of his
18 or her refusal to provide such employer with a user name and
19 password, password or any other authentication means for accessing a
20 personal on-line account."
- 21 Strike lines 32 to 40, inclusive, and insert the following in lieu
22 thereof:
- 23 "(c) No employer shall be liable for failing to request or require that
24 an employee or applicant provide such employer with a user name
25 and password, password or any other authentication means for
26 accessing a personal on-line account.
- 27 (d) (1) An employer may request or require that an employee or
28 applicant provide such employer with a user name and password,
29 password or any other authentication means for accessing (A) any
30 account or service provided by such employer or by virtue of the
31 employee's employment relationship with such employer or that the
32 employee uses for business purposes, or (B) any electronic
33 communications device supplied or paid for, in whole or in part, by
34 such employer.
- 35 (2) No employer shall be prohibited from discharging, disciplining
36 or otherwise penalizing an employee or applicant that has transferred,
37 without such employer's permission, such employer's proprietary
38 information, confidential information or financial data to or from such
39 employee or applicant's personal on-line account.
- 40 (e) Nothing in this section shall prevent an employer from:

41 (1) (A) Conducting an investigation for the purpose of ensuring
42 compliance with applicable state or federal laws, regulatory
43 requirements or prohibitions against work-related employee
44 misconduct based on the receipt of specific information about activity
45 on an employee or applicant's personal on-line account; or (B)
46 conducting an investigation based on the receipt of specific
47 information about an employee or applicant's unauthorized transfer of
48 such employer's proprietary information, confidential information or
49 financial data to or from a personal on-line account operated by an
50 employee, applicant or other source. Any employer conducting an
51 investigation pursuant to this subdivision may require an employee or
52 applicant to allow such employer to access his or her personal on-line
53 account for the purpose of conducting such investigation, provided
54 such employer shall not require such employee or applicant to disclose
55 the user name and password, password or other authentication means
56 for accessing such personal on-line account; or

57 (2) Monitoring, reviewing, accessing or blocking electronic data
58 stored on an electronic communications device paid for in whole or in
59 part by an employer, or traveling through or stored on an employer's
60 network, in compliance with state and federal law.

61 (f) Nothing in this section shall be construed to prevent an employer
62 from complying with the requirements of state or federal statutes,
63 rules or regulations, case law or rules of self-regulatory organizations."