



AN ACT CONCERNING EMPLOYEE ONLINE PRIVACY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2015*) (a) For purposes of this
2 section:

3 (1) "Applicant" means any person actively seeking employment
4 from an employer;

5 (2) "Employee" means any person engaged in service to an employer
6 in the business of his or her employer;

7 (3) "Employer" means any person engaged in business who has
8 employees, including the state and any political subdivision thereof,
9 except "employer" shall not include any state or municipal law
10 enforcement agency conducting a preemployment investigation of law
11 enforcement personnel;

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

17 (5) "Personal online account" means any online account that is used

18 by an employee or applicant exclusively for personal purposes and
19 unrelated to any business purpose of such employee's or applicant's
20 employer or prospective employer, including, but not limited to,
21 electronic mail, social media and retail-based Internet web sites.
22 "Personal online account" does not include any account created,
23 maintained, used or accessed by an employee or applicant for a
24 business purpose of such employee's or applicant's employer or
25 prospective employer.

26 (b) Except as provided in subsection (c) of this section, no employer
27 shall:

28 (1) Request or require that an employee or applicant provide such
29 employer with a user name and password, password or any other
30 authentication means for accessing a personal online account;

31 (2) Request or require that an employee or applicant authenticate or
32 access a personal online account in the presence of such employer;

33 (3) Require that an employee or applicant invite such employer or
34 accept an invitation from the employer to join a group affiliated with
35 any personal online account of the employee or applicant;

36 (4) Discharge, discipline, discriminate against, retaliate against or
37 otherwise penalize any employee who (A) refuses to provide such
38 employer with a user name and password, password or any other
39 authentication means for accessing his or her personal online account,
40 (B) refuses to authenticate or access a personal online account in the
41 presence of such employer, (C) refuses to invite such employer or
42 accept an invitation from the employer to join a group affiliated with
43 any personal online account of the employee, or (D) files, or causes to
44 be filed, any complaint, whether verbally or in writing, with a public
45 or private body or court concerning such employer's violation of this
46 subdivision and subdivisions (1) to (3), inclusive, of this subsection; or

47 (5) Fail or refuse to hire any applicant as a result of his or her refusal
48 to (A) provide such employer with a user name and password,

49 password or any other authentication means for accessing a personal
50 online account, (B) authenticate or access a personal online account in
51 the presence of such employer, or (C) invite such employer or accept
52 an invitation from the employer to join a group affiliated with any
53 personal online account of the applicant.

54 (c) (1) An employer may request or require that an employee or
55 applicant provide such employer with a user name and password,
56 password or any other authentication means for accessing (A) any
57 account or service provided by such employer or by virtue of the
58 employee's employment relationship with such employer or that the
59 employee uses for such employer's business purposes, or (B) any
60 electronic communications device supplied or paid for, in whole or in
61 part, by such employer.

62 (2) No employer shall be prohibited from discharging, disciplining
63 or otherwise penalizing an employee or applicant that has transferred,
64 without such employer's permission, such employer's proprietary
65 information, confidential information or financial data to or from such
66 employee or applicant's personal online account.

67 (d) Nothing in this section shall prevent an employer from:

68 (1) (A) Conducting an investigation for the purpose of ensuring
69 compliance with applicable state or federal laws, regulatory
70 requirements or prohibitions against work-related employee
71 misconduct based on the receipt of specific information about activity
72 on an employee or applicant's personal online account, or (B)
73 conducting an investigation based on the receipt of specific
74 information about an employee or applicant's unauthorized transfer of
75 such employer's proprietary information, confidential information or
76 financial data to or from a personal online account operated by an
77 employee, applicant or other source. Any employer conducting an
78 investigation pursuant to this subdivision may require an employee or
79 applicant to allow such employer to access his or her personal online
80 account for the purpose of conducting such investigation, provided

81 such employer shall not require such employee or applicant to disclose
82 the user name and password, password or other authentication means
83 for accessing such personal online account; or

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

88 (e) Nothing in this section shall be construed to prevent an
89 employer from complying with the requirements of state or federal
90 statutes, rules or regulations, case law or rules of self-regulatory
91 organizations.

92 (f) Any employee or applicant may file a complaint with the Labor
93 Commissioner alleging violations of subsection (b) of this
94 section. Upon receipt of the complaint, the commissioner shall
95 investigate such complaint and may hold a hearing. After the hearing,
96 the commissioner shall send each party a written copy of his or her
97 decision. Any employee or applicant who prevails in such hearing
98 shall be awarded reasonable attorney's fees and costs.

99 (g) If the commissioner finds an employee has been aggrieved by an
100 employer's violation of subdivision (1), (2), (3) or (4) of subsection (b)
101 of this section, the commissioner may (1) levy against the employer a
102 civil penalty of up to five hundred dollars for the first violation and
103 one thousand dollars for each subsequent violation, and (2) award
104 such employee all appropriate relief including rehiring or
105 reinstatement to his or her previous job, payment of back wages,
106 reestablishment of employee benefits or any other remedies that the
107 commissioner may deem appropriate.

108 (h) If the commissioner finds an applicant has been aggrieved by an
109 employer's violation of subdivision (1), (2), (3) or (5) of subsection (b)
110 of this section, the commissioner may levy against the employer a civil
111 penalty of up to twenty-five dollars for the first violation and five

112 hundred dollars for each subsequent violation.

113 (i) Any party aggrieved by the decision of the commissioner may
114 appeal the decision to the Superior Court in accordance with the
115 provisions of chapter 54 of the general statutes.

116 (j) The commissioner may request the Attorney General to bring an
117 action in the Superior Court to recover the penalties levied pursuant to
118 subsections (f) and (h) of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	New section

LAB *Joint Favorable Subst.*