

Compliance Building

Doug Cornelius on Compliance and Business Ethics

Ask for Usernames, Don't Ask for Passwords

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From a compliance perspective it is good to monitor what your employees are doing in the various social media sites. If you operate in a heavily regulated industry it may not only be a good idea, but be necessary.

Don't cross the line and ask for the passwords to those accounts. Learn from the City of Bozeman Montana.

Back in June, the City started asking job applicants for the list of social networking sites that they used, their usernames *and* their passwords. The city of 30,000 people became the subject of [online outrage](#).

I think it is okay to ask employees and job applicant's for a list of the sites they use. Most HR people include an internet search as part of their background check for job applicants. Focusing on some of the social networking sites is just an evolution in the process. You should investigate your potential employees to see if they are using the proper discretion. After all, if they list you as an employer, what they post will reflect back on your company.

But I think it was improper to require submission of the password. It violates the terms of service for some of these site. Facebook explicitly prohibits the sharing of a password in its [Statement of Rights and Responsibilities](#). If the City needed to see what the person was posting, then they could require them to be a Facebook friend or the equivalent to gain access to the person's postings.

One caution in reviewing an applicant's online profiles is the potential for job discrimination. I think it is better to do this review later in the hiring process, after an interview. The sites can expose information that you are not allowed to use in the hiring process, such as marital status, race and ethnicity. If you find something online that you takes the candidate out of consideration, document it in the file. Print the screen, highlight the offensive information and make it part of the applicant's file.

If you do ask for the social media usernames, make sure you actually do monitor what is being posted by your employees. Use an RSS feedreader or equivalent to receive updates and store the information.

References:

- [Bozeman, Montana Suspends Controversial Requirement That Job Applicants Provide Usernames and Passwords to Facebook Accounts](#) by David Pardo on Foley Hoag LLP's Security, Privacy and The Law.
- [Bozeman Press Release apologizing for the intrusive process](#) (.pdf)

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