

Can We Ask Applicants for Their Facebook Password? Lawmakers May Answer This Question for New Jersey Employers

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New Jersey lawmakers are currently considering legislation that would prohibit [New Jersey employers](#) from using social media to screen applicants. One reason is due to the growing practice of asking prospective employees to provide their Facebook passwords has gained national attention in recent months and spurred legislative efforts at both the state and federal level.

In New Jersey, the Assembly recently approved a bill that would prohibit employers from requiring a job applicant to provide their user name, password, or other information needed to access social networking sites like Twitter and Facebook. Employers who violate the law would face civil penalties of \$1,000 for the first offense, and \$2,500 for repeat violations.

On the federal level, Sens. Chuck Schumer (D-NY) and Richard Blumenthal (D-CT) have sent [letters](#) to the U.S. Equal Employment Opportunity Commission (EEOC) and the U.S. Department of Justice (DOJ) asking them to launch a federal investigation into the practice of employers seeking access to job applicants' social networking passwords. They have also announced that they plan to propose legislation that would prohibit employers from requesting personal login information.

“Employers have no right to ask job applicants for their house keys or to read their diaries – why should they be able to ask them for their Facebook passwords and gain unwarranted access to a trove of private information about what we like, what messages we send to people, or who we are friends with?” said Schumer.

Social media is clearly a hot topic and will likely be the subject of additional employment regulations and legal precedent in the near term. Therefore, we encourage employers to closely monitor this blog for legal updates and be prepared to create amend policies and procedures accordingly.

About Beth Lincow Cole

[Beth Lincow Cole](#) is committed to helping employers comply with federal and state employment law and avoid potential business-wrecking lawsuits. If your company needs guidance regarding its harassment policies and procedures or would like information on management training, contact employment law attorney [Beth Lincow Cole](#).

