

Cooley

October 5, 2012

On September 27, 2012, California Governor Jerry Brown signed into law a bill which prohibits employers from requiring that employees or job applicants disclose information related to their personal social media accounts, such as Facebook. The bill makes it unlawful for employers to request that employees or job applicants turn over their personal user names or passwords, or to request that an employee or job applicant access his or her personal social media account in the presence of the employer, or to require that an employee or job applicant divulge *any* personal social media, including videos, photographs, blogs, podcasts, instant or text messages, email, online accounts, or websites profiles. Employers may not discharge, discipline, or retaliate against employees who refuse to divulge personal social media information.

The new law contains several important exceptions. Employers retain their existing rights to request that an employee divulge personal social media account information if it is reasonably believed to be relevant to an investigation into workplace misconduct, provided that the social media information is used solely for purposes of that investigation. The law does not apply to passwords or other information used to access employer-issued electronic devices, like laptops or cell phones. Finally, there is nothing in the new law that would prevent an employer from looking at an employee or potential employee's social media webpage if the page has been made viewable to the public.

The new law takes effect January 1, 2013.

This content is provided for general informational purposes only, and your access or use of the content does not create an attorney-client relationship between you or your organization and Cooley LLP, Cooley (UK) LLP, or any other affiliated practice or entity (collectively referred to as "Cooley"). By accessing this content, you agree that the information provided does not constitute legal or other professional advice. This content is not a substitute for obtaining legal advice from a qualified attorney licensed in your jurisdiction and you should not act or refrain from acting based on this content. This content may be changed without notice. It is not guaranteed to be complete, correct or up to date, and it may not reflect the most current legal developments. Prior results do not guarantee a similar outcome. Do not send any confidential information to Cooley, as we do not have any duty to keep any information you provide to us confidential. This content may be considered **Attorney Advertising** and is subject to our [legal notices](#).

Key Contacts

Lois Voelz Palo Alto	lvoelz@cooley.com +1 650 843 5058
Wendy Brenner Palo Alto	brennerwj@cooley.com +1 650 843 5371

Leslie Cancel San Francisco	lcancel@cooley.com +1 415 693 2175
Joshua Mates San Francisco	jmates@cooley.com +1 415 693 2084
Frederick Baron Palo Alto	fbaron@cooley.com +1 650 843 5020
Michael Sheetz Boston	msheetz@cooley.com +1 617 937 2330

This information is a general description of the law; it is not intended to provide specific legal advice nor is it intended to create an attorney-client relationship with Cooley LLP. Before taking any action on this information you should seek professional counsel.

Copyright © 2023 Cooley LLP, 3175 Hanover Street, Palo Alto, CA 94304; Cooley (UK) LLP, 22 Bishopsgate, London, UK EC2N 4BQ. Permission is granted to make and redistribute, without charge, copies of this entire document provided that such copies are complete and unaltered and identify Cooley LLP as the author. All other rights reserved.