

HB4169



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4169

by Rep. Michael J. Madigan

SYNOPSIS AS INTRODUCED:

820 ILCS 55/10

from Ch. 48, par. 2860

Amends the Right to Privacy in the Workplace Act. Makes a technical change in a Section concerning prohibited inquiries.

LRB098 15723 OMW 50754 b

A BILL FOR

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Right to Privacy in the Workplace Act is
5 amended by changing Section 10 as follows:

6 (820 ILCS 55/10) (from Ch. 48, par. 2860)

7 Sec. 10. Prohibited inquiries.

8 (a) It shall be unlawful for any employer to inquire, in a
9 written application or in any other manner, of any prospective
10 employee or of the ~~the~~ prospective employee's previous
11 employers, whether that prospective employee has ever filed a
12 claim for benefits under the Workers' Compensation Act or
13 Workers' Occupational Diseases Act or received benefits under
14 these Acts.

15 (b) (1) Except as provided in this subsection, it shall be
16 unlawful for any employer to request or require any employee or
17 prospective employee to provide any password or other related
18 account information in order to gain access to the employee's
19 or prospective employee's account or profile on a social
20 networking website or to demand access in any manner to an
21 employee's or prospective employee's account or profile on a
22 social networking website.

23 (2) Nothing in this subsection shall limit an employer's

1 right to:

2 (A) promulgate and maintain lawful workplace policies
3 governing the use of the employer's electronic equipment,
4 including policies regarding Internet use, social
5 networking site use, and electronic mail use; and

6 (B) monitor usage of the employer's electronic
7 equipment and the employer's electronic mail without
8 requesting or requiring any employee or prospective
9 employee to provide any password or other related account
10 information in order to gain access to the employee's or
11 prospective employee's account or profile on a social
12 networking website.

13 (3) Nothing in this subsection shall prohibit an employer
14 from obtaining about a prospective employee or an employee
15 information that is in the public domain or that is otherwise
16 obtained in compliance with this amendatory Act of the 97th
17 General Assembly.

18 (3.5) Provided that the password, account information, or
19 access sought by the employer relates to a professional
20 account, and not a personal account, nothing in this subsection
21 shall prohibit or restrict an employer from complying with a
22 duty to screen employees or applicants prior to hiring or to
23 monitor or retain employee communications as required under
24 Illinois insurance laws or federal law or by a self-regulatory
25 organization as defined in Section 3(A)(26) of the Securities
26 Exchange Act of 1934, 15 U.S.C. 78(A)(26).

1 (4) For the purposes of this subsection, "social networking
2 website" means an Internet-based service that allows
3 individuals to:

4 (A) construct a public or semi-public profile within a
5 bounded system, created by the service;

6 (B) create a list of other users with whom they share a
7 connection within the system; and

8 (C) view and navigate their list of connections and
9 those made by others within the system.

10 "Social networking website" shall not include electronic
11 mail.

12 For the purposes of paragraph (3.5) of this subsection,
13 "professional account" means an account, service, or profile
14 created, maintained, used, or accessed by a current or
15 prospective employee for business purposes of the employer.

16 For the purposes of paragraph (3.5) of this subsection,
17 "personal account" means an account, service, or profile on a
18 social networking website that is used by a current or
19 prospective employee exclusively for personal communications
20 unrelated to any business purposes of the employer.

21 (Source: P.A. 97-875, eff. 1-1-13; 98-501, eff. 1-1-14.)