



128 DORRANCE STREET, SUITE 220
PROVIDENCE, RI 02903
401.831.7171 (t)
401.831.7175 (f)
www.riaclu.org

June 25, 2014

The Hon. Lincoln Chafee
Governor
State House
Providence, RI 02903

RE: SIGN 14-H 7124B/14-S 2095Aam

Dear Governor Chafee:

The ACLU respectfully encourages you to sign H 7124B and S 2095A as amended, bills that would safeguard the privacy of Rhode Islanders' password-protected social media accounts and information from snooping employers and school officials.

Most people would be appalled if an employer demanded the right to access an employee's personal mail or photo albums at their home, or similar personal information about their friends and acquaintances. The intrusion is no different simply because the information exists on a password-protected website and not in a mail slot or a photo album on a shelf. In both instances, while an employer could learn much about an employee, it would amount to an extreme invasion of privacy.

Yet, as social media use becomes ubiquitous, some employers and schools nationwide have demanded that employees, applicants, and students disclose the passwords to their private social media accounts, log into those accounts in the presence of the employer or school official, or connect their profile with the profile of an employer or school official. They can then use this information to gain unprecedented and inappropriate access to the lives of employees, students, and applicants – and their friends and family members.

Individuals who have password-protected their social media information have done so specifically because they wish to keep it out of public view. Ignoring these wishes and allowing schools and employers to force individuals to reveal such information tramples on their privacy rights. It may also put employers at legal risk, since accessing these sites may expose significant private information about an individual (such as their religion or sexual orientation) that anti-discrimination laws protect from employer inquiry.

Seventeen states have in the past two years alone enacted laws like H-7124 and S-2095, prohibiting employers from accessing this social media information; eleven states have done the same for schools. Approval of this legislation – which passed both Houses unanimously – will put Rhode Island in line with those states, which have recognized the significant threat to privacy caused by inappropriate access to social media information.

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This legislation does not prohibit employers or schools from accessing any information contained on open, public social media profiles, nor does it prohibit employees or students from willingly connecting their profile with that of an employer or school official. The legislation similarly does not bar employers from conducting Internet background checks of employees, or bar an employer or school official from monitoring an employee or student's work or efficiency. This legislation simply updates the existing privacy rights of employees and students to adapt to changes in technology.

We urge your support of this legislation, and the strengthening of privacy rights for all of Rhode Island's students and workers. Thank you for considering this request.

Sincerely,

Steven Brown
Executive Director