

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 HOUSE BILL 2372

By: Trebilcock

6 AS INTRODUCED

7 An Act relating to labor; prohibiting employer from  
8 requesting or requiring access to social media  
9 account of certain employees; prohibiting an employer  
10 from taking retaliatory personnel action for failure  
11 to provide access to social media account;  
authorizing civil actions for violations; providing  
for recovery of attorney fees and court costs;  
defining terms; providing for codification; and  
providing an effective date.

14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 173.2 of Title 40, unless there  
17 is created a duplication in numbering, reads as follows:

18 A. Any employing entity located in this state shall not do any  
19 of the following:

20 1. Request or require an employee or prospective employee to  
21 disclose a username, password or other means of accessing a social  
22 media account through an electronic communications device;

23 2. Request or require an employee or prospective employee to  
24 take an action that allows the employer to gain access to the

1 employee's or prospective employee's social media account if the  
2 account's contents are not available to the general public;

3 3. Take retaliatory personnel action against an employee for  
4 refusing to give the employer access to the employee's social media  
5 account; and

6 4. Fail or refuse to hire a prospective employee as a result of  
7 the prospective employee's refusal to allow the employer access to  
8 the prospective employee's social media account.

9 B. An employee or prospective employee may bring a civil action  
10 against an employer who violates this section in a court located in  
11 the county in which the employee or prospective employee resides or  
12 where the alleged violation occurred. Such action shall be brought  
13 within two (2) years after the violation occurred. The employee or  
14 prospective employee may seek injunctive relief to restrain the  
15 employer from continuing to act in violation of this section and may  
16 recover damages in an amount equal to the actual damages arising  
17 from the violation or Five Hundred Dollars (\$500.00) per violation,  
18 whichever is greater. An employee or prospective employee who  
19 prevails is entitled to recover court costs and reasonable attorney  
20 fees.

21 C. As used in this section:

22 1. "Electronic communications device" means a device that uses  
23 electronic signals to create, transmit or receive information,  
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1 including computers, telephones, personal digital assistants and  
2 other similar devices; and

3 2. "Social media account" means an interactive personal account  
4 or profile that an individual establishes and uses through an  
5 electronic application, service or platform used to generate or  
6 store content, including, but not limited to, videos, still  
7 photographs, blogs, video blogs, instant messages, audio recordings  
8 or e-mail that is not available to the general public.

9 SECTION 2. This act shall become effective November 1, 2014.

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11 54-2-9308 LRB 12/17/13

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