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LABOR & EMPLOYMENT

# ALERT

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## MARYLAND BANS EMPLOYERS FROM REQUESTING FACEBOOK PASSWORDS

By Christina A. Stoneburner

On April 9, Maryland became the first state to ban employers from asking for personal passwords to private Internet accounts and to prohibit employers from disciplining an employee for refusing such passwords. The law specifically prohibits employees from downloading the company's confidential and proprietary information. Although the law creates a carve-out for an employer to investigate claims that an employee violated securities or financial laws or regulatory requirements or downloaded confidential and proprietary information, there is no other carve-out. Thus, under the new law, an employer trying to investigate a claim of harassment cannot require an employee to disclose the password as part of the investigation. This will make it difficult for Maryland employers to fully investigate such claims.

To ensure compliance with the law, Maryland employers should renew their policies and make any necessary revisions. Specifically, they should remove any requirements that employees provide access to personal Internet accounts in the employers' presence or provide personal passwords during a harassment investigation.

The law applies to all Maryland employers, regardless of size, and **takes effect October 1, 2012.** [Click here for a copy of the law.](#)

For more information about this alert, please contact Christina A. Stoneburner at 973.994.7551 or [cstoneburner@foxrothschild.com](mailto:cstoneburner@foxrothschild.com) or any member of Fox Rothschild's Labor & Employment Department.

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