

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 prospective employee's previous employers,  
11 whether that prospective employee has ever filed a claim for  
12 benefits under the Workers' Compensation Act or Workers'  
13 Occupational Diseases Act or received benefits under these  
14 Acts.

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

22 (2) Nothing in this subsection shall limit an employer's  
23 right to:

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

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

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

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

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

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

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

26           "Social networking website" shall not include electronic

1 mail.

2 (Source: P.A. 87-807.)