



Sen. Christine Radogno

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1 AMENDMENT TO SENATE BILL 2306

2 AMENDMENT NO. _____. Amend Senate Bill 2306 by replacing
3 everything after the enacting clause with the following:

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) Except as provided in this subsection, it ~~it~~ shall
16 be unlawful for any employer to request or require any employee

1 or prospective employee to provide any password or other
2 related account information in order to gain access to the
3 employee's or prospective employee's account or profile on a
4 social networking website or to demand access in any manner to
5 an employee's or prospective employee's account or profile on a
6 social networking website.

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

9 (A) promulgate and maintain lawful workplace policies
10 governing the use of the employer's electronic equipment,
11 including policies regarding Internet use, social
12 networking site use, and electronic mail use; and

13 (B) monitor usage of the employer's electronic
14 equipment and the employer's electronic mail without
15 requesting or requiring any employee or prospective
16 employee to provide any password or other related account
17 information in order to gain access to the employee's or
18 prospective employee's account or profile on a social
19 networking website.

20 (3) Nothing in this subsection shall prohibit an employer
21 from obtaining about a prospective employee or an employee
22 information that is in the public domain or that is otherwise
23 obtained in compliance with this amendatory Act of the 97th
24 General Assembly.

25 (3.5) Provided that the password, account information, or
26 access sought by the employer relates to a professional

1 account, and not a personal account, nothing in this subsection
2 shall prohibit or restrict an employer from complying with a
3 duty to screen employees or applicants prior to hiring or to
4 monitor or retain employee communications as required under
5 Illinois insurance laws or federal law or by a self-regulatory
6 organization as defined in Section 3(A)(26) of the Securities
7 Exchange Act of 1934, 15 U.S.C. 78(A)(26).

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

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

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

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

17 "Social networking website" shall not include electronic
18 mail.

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

23 For the purposes of paragraph (3.5) of this subsection,
24 "personal account" means an account, service, or profile on a
25 social networking website that is used by a current or
26 prospective employee exclusively for personal communications

1 unrelated to any business purposes of the employer.

2 (Source: P.A. 97-875, eff. 1-1-13.)".