

Insights, News & Events

NEVADA: INQUIRING ABOUT PERSONAL SOCIAL MEDIA WILL BE ILLEGAL

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Unless it is necessary to comply with a state or federal law or regulation, effective October 1, 2013, it will be illegal for a Nevada employer to require, request, or even suggest that an employee or a prospective employee disclose the user name, password or other access information to his or her personal social media account.

The new law broadly defines "social media account." It includes any electronic service or account, or electronic content, including videos, photographs, blogs, video blogs, podcasts, instant and text messages, email programs or services, online services or Internet website profiles.

It will also be unlawful to fire, discipline, or discriminate against, (or fail to hire or promote), any employee or prospective employee who refuses, declines, or fails to provide this information.

It is only permissible to require an employee to provide the user name, password, or other information that is necessary to access the employer's own internal computer or information system.

Action needed? We suggest that you educate the appropriate persons in your organization about the change in the law, and review your policies and procedures to ensure that their language is consistent with the new law.

For more information contact any attorney in the Las Vegas office of Fisher Phillips at (702) 252-3131.

This Legal Alert provides an overview of a specific state law. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.