

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.)