

**House File 2339 - Introduced**

HOUSE FILE 2339

BY KAJTAZOVIC

**A BILL FOR**

1 An Act to prohibit employers from seeking access to certain  
2 online personal employee information.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 735.1 Definitions.

2 As used in this chapter, unless the context otherwise  
3 requires:

4 1. "*Electronic communications device*" means any device  
5 that uses electronic signals to create, transmit, and receive  
6 information. "*Electronic communications device*" includes  
7 computers, telephones, personal digital assistants, and other  
8 similar devices.

9 2. "*Employer*" means the state of Iowa or any political  
10 subdivision, board, commission, department, or institution  
11 thereof, and every other person employing employees within this  
12 state. "*Employer*" includes an agent or representative of an  
13 employer.

14 Sec. 2. NEW SECTION. 735.2 Employer prohibitions.

15 An employer shall not do any of the following:

16 1. Request or require that an employee or applicant for  
17 employment disclose the employee's or applicant's user name,  
18 password, or other means for accessing a personal account or  
19 service through an electronic communications device.

20 2. Discharge, discipline, or otherwise penalize or threaten  
21 to discharge, discipline, or otherwise penalize an employee for  
22 an employee's refusal to disclose the employee's user name,  
23 password, or other means for accessing a personal account or  
24 service through an electronic communications device.

25 3. Fail or refuse to hire any applicant for employment as a  
26 result of the applicant's refusal to disclose the applicant's  
27 user name, password, or other means for accessing a personal  
28 account or service through an electronic communications device.

29 Sec. 3. NEW SECTION. 735.3 Actions not prohibited.

30 This chapter does not prohibit an employer from doing any of  
31 the following:

32 1. Requiring an employee to disclose any user name,  
33 password, or other means for accessing nonpersonal accounts  
34 or services that provide access to the employer's internal  
35 computer or information systems.

1 2. Based on the receipt of information about the use of  
2 a personal internet site, internet-based account, or similar  
3 account by an employee for business purposes, requiring the  
4 employee to disclose the employee's user name, password, or  
5 other means for accessing the employee's personal account  
6 for purposes of conducting an investigation to ensure  
7 compliance with applicable state or federal law or regulatory  
8 requirements.

9 3. Based on the receipt of information about the  
10 unauthorized downloading of an employer's proprietary  
11 information or financial data to a personal internet site,  
12 internet-based account, or similar account by an employee,  
13 requiring the employee to disclose the employee's user name,  
14 password, or other means for accessing the employee's personal  
15 account for purposes of investigating such action by the  
16 employee.

17 4. Complying with a duty to screen employees or applicants  
18 for employment prior to hiring or to monitor or retain employee  
19 communications pursuant to state or federal law or regulatory  
20 requirements.

21 5. Viewing, accessing, or utilizing information about  
22 an employee or applicant for employment that can be obtained  
23 without the use of any user name, password, or other means for  
24 accessing a personal account or service through an electronic  
25 communications device, or that is available in the public  
26 domain.

27

EXPLANATION

28 The inclusion of this explanation does not constitute agreement with  
29 the explanation's substance by the members of the general assembly.

30 This bill prohibits an employer from requesting or requiring  
31 that an employee or applicant for employment disclose the  
32 employee's or applicant's user name, password, or other  
33 means for accessing a personal account or service through  
34 an electronic communications device. The bill prohibits  
35 an employer from discharging, disciplining, or otherwise

1 penalizing or threatening to discharge, discipline, or  
2 otherwise penalize an employee for an employee's refusal  
3 to disclose the employee's user name, password, or other  
4 means for accessing a personal account or service through an  
5 electronic communications device. The bill also prohibits an  
6 employer from failing or refusing to hire any applicant for  
7 employment as a result of the applicant's refusal to disclose  
8 the applicant's user name, password, or other means for  
9 accessing a personal account or service through an electronic  
10 communications device.

11 The bill defines "employer" as the state of Iowa or  
12 any political subdivision, board, commission, department,  
13 or institution thereof, and every other person employing  
14 employees within this state. "Employer" includes an agent or  
15 representative of an employer. The bill defines "electronic  
16 communications device" as any device that uses electronic  
17 signals to create, transmit, and receive information.  
18 "Electronic communications device" includes computers,  
19 telephones, personal digital assistants, and other similar  
20 devices.

21 The bill sets out various actions by an employer which  
22 are not prohibited by the bill. An employer may require an  
23 employee to disclose any user name, password, or other means  
24 for accessing nonpersonal accounts or services that provide  
25 access to the employer's internal computer or information  
26 systems. Based on the receipt of information about the use of  
27 a personal internet site, internet-based account, or similar  
28 account by an employee for business purposes, an employer  
29 may require the employee to disclose the employee's user  
30 name, password, or other means for accessing the employee's  
31 personal account for purposes of conducting an investigation  
32 to ensure compliance with applicable state or federal law or  
33 regulatory requirements. Based on the receipt of information  
34 about the unauthorized downloading of an employer's proprietary  
35 information or financial data to a personal internet site,

1 internet-based account, or similar account by an employee in  
2 violation of the bill, an employer may require the employee to  
3 disclose the employee's user name, password, or other means  
4 for accessing the employee's personal account for purposes  
5 of investigating such action by an employee. An employer  
6 may comply with a duty to screen employees or applicants for  
7 employment prior to hiring or to monitor or retain employee  
8 communications pursuant to state or federal law or regulatory  
9 requirements. An employer may view, access, or utilize  
10 information about an employee or applicant for employment that  
11 can be obtained without the use of any user name, password, or  
12 other means for accessing a personal account or service through  
13 an electronic communications device, or that is available in  
14 the public domain.