You Cannot Ask Applicants or Employees for Their Facebook Password

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On March 23, 2012 Facebook issued a statement regarding employers or others seeking to gain inappropriate access to people's Facebook profiles or private information. The social media network asserted that if you are a Facebook user, you should never have to share your password, let anyone access your account, or do anything that might jeopardize the security of your account or violate the privacy of your friends.

In addition, U.S. Senators Chuck Schumer (NY) and Richard Blumenthal (CT) have asked the U.S. Equal Employment Opportunity Commission and Department of Justice to launch a federal investigation into a new disturbing trend of employers demanding job applicants turn over their user names and passwords for social networking and email websites to gain access to personal information like private photos, email messages, and biographical data that is otherwise deemed private. In a letter to Attorney General Eric Holder, the Senators asked the DOJ to investigate whether the practice violates the Stored Communication Act or the Computer Fraud and Abuse Act.

Concerns about employers seeking social media account access such as Facebook from applicants and employees continues. Recently, Maryland became the first state to pass legislation banning employers from asking for employees' and job applicants' social media site passwords. California is considering similar legislation.