

59 established by an Internet-based service that requires a user to input or store access information
 60 by way of an electronic device to view, create, use, or edit the user's account information,
 61 profile, display, communications, or stored data.

62 Section 3. Section **34-48-201** is enacted to read:

63 **Part 2. Prohibited and Permitted Activities**

64 **34-48-201. Employer may not request access to personal Internet account.**

65 An employer may not do any of the following:

66 (1) request an employee or an applicant for employment to grant access to, allow
 67 observation of, or disclose information that allows access to or observation of the employee's or
 68 applicant's personal Internet account; or

69 (2) discharge, discipline, fail to hire, or otherwise penalize an employee or applicant
 70 for employment for failure to grant access to, allow observation of, or disclose information that
 71 allows access to or observation of the employee's or applicant's personal Internet account.

72 Section 4. Section **34-48-202** is enacted to read:

73 **34-48-202. Permitted actions by an employer.**

74 (1) This chapter does not prohibit an employer from doing any of the following:

75 (a) requesting or requiring an employee to disclose access information to the employer
 76 to gain access to or operate any of the following:

77 (i) an electronic communications device paid for in whole or in part by the employer;

78 or

79 (ii) an account or service provided by the employer, obtained by virtue of the
 80 employee's employment relationship with the employer, or used for the employer's business
 81 purposes;

82 (b) disciplining or discharging an employee for transferring the employer's proprietary
 83 or confidential information or financial data to an employee's personal Internet account

83a **↔ [with] without ↔**

84 the employer's authorization;

85 (c) conducting an investigation or requiring an employee to cooperate in an
 86 investigation in any of the following:

87 (i) if there is specific information about activity on the employee's personal Internet
 88 account, for the purpose of ensuring compliance with applicable laws, regulatory requirements,
 89 or prohibitions against work-related employee misconduct; or

90 (ii) if the employer has specific information about an unauthorized transfer of the
91 employer's proprietary information, confidential information, or financial data to an employee's
92 personal Internet account;

93 (d) restricting or prohibiting an employee's access to certain websites while using an
94 electronic communications device paid for in whole or in part by the employer or while using
95 an employer's network or resources, in accordance with state and federal law; or

96 (e) monitoring, reviewing, or accessing electronic data stored on an electronic
97 communications device paid for in whole or in part by the employer, or traveling through or
98 stored on an employer's network, in accordance with state and federal law.

99 (2) This chapter does not prohibit or restrict an employer from complying with a duty
100 to screen employees or applicants before hiring or to monitor or retain employee
101 communications that is established under federal law or by a self-regulatory organization under
102 the Securities and Exchange Act of 1934, 15 U.S.C. Sec. 78c(a)(26).

103 (3) This chapter does not prohibit or restrict an employer from viewing, accessing, or
104 using information about an employee or applicant that can be obtained without any required
105 access information or that is available in the public domain.

106 Section 5. Section **34-48-203** is enacted to read:

107 **34-48-203. Chapter does not create duties.**

108 (1) This chapter does not create a duty for an employer to search or monitor the activity
109 of a personal Internet account.

110 (2) An employer is not liable under this chapter for failure to request or require that an
111 employee or applicant for employment grant access to, allow observation of, or disclose
112 information that allows access to or observation of the employee's or applicant for
113 employment's personal Internet account.

114 Section 6. Section **34-48-301** is enacted to read:

115 **Part 3. Remedy**

116 **34-48-301. Private right of action.**

117 (1) A person aggrieved by a violation of this chapter may bring a civil cause of action
118 against an employer in a court of competent jurisdiction.

119 (2) In an action brought under Subsection (1), if the court finds a violation of this
120 chapter, the court shall award the aggrieved person ~~Ĥ~~→ **not more than** ←~~Ĥ~~ \$500.

152 access to or operate the following:

153 (a) an electronic communications device paid for in whole or in part by the
154 postsecondary institution; or

155 (b) an account or service provided by the postsecondary institution that is either
156 obtained by virtue of the student's admission to the postsecondary institution or used by the
157 student for educational purposes.

158 (2) This chapter does not prohibit or restrict a postsecondary institution from viewing,
159 accessing, or using information about a student or prospective student that can be obtained
160 without required access information or that is available in the public domain.

161 Section 11. Section **53B-24-203** is enacted to read:

162 **53B-24-203. Duties not created.**

163 (1) This chapter does not create a duty for a postsecondary institution to search or
164 monitor the activity of a personal Internet account.

165 (2) A postsecondary institution is not liable under this chapter for failure to request or
166 require that a student or prospective student grant access to, allow observation of, or disclose
167 information that allows access to or observation of the student's or prospective student's
168 personal Internet account.

169 Section 12. Section **53B-24-301** is enacted to read:

170 **Part 3. Remedy**

171 **53B-24-301. Private right of action.**

172 (1) A person aggrieved by a violation of this chapter may bring a civil cause of action
173 against a postsecondary institution in a court of competent jurisdiction.

174 (2) In an action brought under Subsection (1), if the court finds a violation of this
175 chapter, the court shall award the aggrieved person ~~Ĥ~~→ not more than ←Ĥ \$500.

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