AN ACT Relating to social networking accounts and profiles; adding new sections to chapter 49.44 RCW; and prescribing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. A new section is added to chapter 49.44 RCW to read as follows:

(1) It shall be unlawful for any person, firm, corporation, or the state of Washington, its political subdivisions, or municipal corporations to require, directly or indirectly, as a condition of employment or continued employment, that any employee or prospective employee submit any password or other related account information in order to gain access to the employee's or prospective employee's account or profile on a social networking web site or to demand access in any manner to an employee's or prospective employee's account or profile on a social networking web site. For the purposes of this subsection, "social networking web site" means an internet-based service that allows individuals to construct a public or semipublic profile within a system created by the service; create a list of other users with whom they share a connection within the system; and view and
navigate their list of connections and those made by others within the
system.

(2) Nothing in this section shall prohibit an employer from
obtaining information about an employee or prospective employee that is
in the public domain or that is otherwise obtained in compliance with
this section.

NEW SECTION. Sec. 2. A new section is added to chapter 49.44 RCW
to read as follows:

In a civil action alleging a violation of section 1 of this act, the court may:

(1) Award a penalty in the amount of five hundred dollars to a
prevailing employee or prospective employee in addition to any award of
actual damages;

(2) Award reasonable attorneys' fees and costs to the prevailing
employee or prospective employee; and

(3) Pursuant to RCW 4.84.185, award any prevailing party against
whom an action has been brought for a violation of section 1 of this
act reasonable expenses and attorneys' fees upon final judgment and
written findings by the trial judge that the action was frivolous and
advanced without reasonable cause.

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