
SENATE BILL 6637

State of Washington 62nd Legislature 2012 1st Special Session

By Senators Hobbs, Kline, Harper, Frockt, Pridemore, Hatfield, Keiser, Kohl-Welles, Haugen, and Conway

Read first time 04/06/12. Referred to Committee on Labor, Commerce & Consumer Protection.

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

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

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

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

1 navigate their list of connections and those made by others within the
2 system.

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

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

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

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

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

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

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