**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41‑1‑187 SO AS TO PROVIDE AN EMPLOYER MAY NOT ASK AN EMPLOYEE OR PROSPECTIVE EMPLOYEE TO PROVIDE A PASSWORD OR OTHER RELATED INFORMATION TO ACCESS THE SOCIAL NETWORKING WEBSITE PROFILE OR ACCOUNT OF THE EMPLOYEE, TO PROVIDE THE REFUSAL OF AN EMPLOYEE OR PROSPECTIVE EMPLOYEE, TO PROVIDE THIS INFORMATION MUST NOT BE THE BASIS OF CERTAIN PERSONNEL ACTIONS CONCERNING THE EMPLOYEE, TO DEFINE THE TERM “SOCIAL NETWORKING WEBSITE”, AND TO PROVIDE EXCLUSIONS FROM THE APPLICABILITY OF THE SECTION.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 1, Title 41 of the 1976 Code is amended by adding:

“Section 41‑1‑187. (A) An employer may not ask an employee or prospective employee to provide a password or other related account information in order to gain access to the employee’s or prospective employee’s profile or account on a social networking website. The refusal of an employee or prospective employee to provide a password, account information, or access to his account or profile on a social networking website to an employer must not be the basis of personnel action including, but not limited to, employment, termination, demotion, or promotions of the employee.

(B) For the purposes of this section, ‘social networking website’ does not include electronic mail and means an Internet‑based service that allows individuals to:

(1) construct a public or semipublic profile within a bounded system created by the service;

(2) create a list of other users with whom they share a connection within the system; and

(3) view and navigate the list of user connections and those made by other users within the system.

(C) The provisions of this subsection do not:

(1) apply to an employer who obtains information about a prospective employee or an employee that is in the public domain; and

(2) limit the right of an employer to create, maintain, and enforce lawful workplace policies governing the use of the electronic equipment of the employer, including policies concerning Internet use, social networking website use, and electronic mail use involving the equipment.”

SECTION 2. This act takes effect upon approval by the Governor.

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