

Asking Prospective Employees to Provide Facebook Passwords Is a Risky Policy

By: Beth Lincow Cole

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Social media can be troubling for [employers](#). Facebook has become a particular concern because it can be a platform for employees to leak confidential information, complain about customers, and badmouth supervisors.

While it is important for a company to have a clear social media policy, employee privacy rights cannot be overlooked. The Maryland Division of Corrections (DOC) exemplifies what can happen when an employer goes too far.

According to the [American Civil Liberties Union](#), Maryland corrections officer Robert Collins was required to provide his Facebook login and password to the Maryland DOC during a recertification interview. Once he provided it, the interviewer logged on to his Facebook account and reviewed the content.

In response to the negative publicity generated by an ACLU blog post, the DOC has suspended the requirement for 45 days pending a review of the policy.

The Maryland Department of Corrections is not the only employer wondering whether its practice of learning additional information about candidates through social media crosses the line. When there are safety concerns, more and more employers are screening candidates by requiring them to provide their social media passwords.

It is unclear if this practice is lawful; that is, whether one's privacy has been invaded when an employer, for legitimate business reasons, demands a candidate's personal social network passwords during an application or certification process. Privacy issues are governed by state law, and the outcome will depend on state law.

Nonetheless, employers need to be cautious and thoughtful because it is certainly a [risky policy](#) in that it forces prospective employees to relinquish control over their confidential information.

About Beth Lincow Cole

Employment Law Attorney Beth Lincow Cole has skillfully helped business owners and managers head off the unwanted and unnecessary lawsuits that can arise in the workplace. Drawing on her successful legal experiences both in and outside the courtroom, Beth Lincow

Cole understands how to protect employers. By developing solid pre- and post-employment procedures for her clients, she assures that they are legally protected.

Beth Lincow Cole has worked for large regional and national law firms, focusing solely on employment issues, on behalf of management within a wide range of industries. Whether you are a start up company with basic questions about personnel files or a larger company with questions about an employee's Family Medical Leave, Beth Lincow Cole can help. Drawing on her experiences, she counsel's companies in the following practice areas:

- Defense in administrative agency matters such as before the DOL, EEOC, PHRC or NJDCR
- Department of Labor Audits
- Discrimination
- Downsizing/Reduction in Force
- Drug Testing
- Employment Contracts and Severance Agreements
- Employment Law Compliance
- FMLA and other family leave laws
- Independent Contractors/Contingent Workforce

Please contact the firm to find out how the Law Office of Beth Lincow Cole can protect your company.