

# EldersburgPatch

## Poll: Should Employers Access Your Facebook Page?

Several lawmakers are investigating whether this practice is illegal.

Lawmakers nationally and in Maryland are debating whether employers are taking the vetting of job candidates too far when they ask for private Facebook profile information.

Maryland is considering two bills that would make the practice illegal and [two U.S. senators](#) have asked the U.S. attorney general to look into whether the practice violates federal law.

Opponents of the practice have said it not only violates a person's privacy, it could put a prospective employer at risk for discrimination complaints. But some say the practice, if done legally and ethically, could help some companies make sure they don't hire someone who could put a company's reputation at risk.

"Employees in sales, public relations and customer service function as representatives for the companies they work for, so employers have a legitimate interest in ensuring potential workers won't embarrass the company," wrote Timothy Lee, of the think tank [the Cato Institute](#), [in a recent story on Bloomberg Business Week](#).

Facebook's Chief Privacy Officer Erin Egan recently posted that employers might put themselves at risk if they ask prospective employees to provide passwords.

"For example, if an employer sees on Facebook that someone is a member of a protected group (e.g. over a certain age, etc.) that employer may open themselves up to claims of discrimination if they don't hire that person," [Egan wrote](#).

The controversy over employers asking for Facebook passwords has made headlines in Maryland.

Former correctional officer Robert Collins said that last year he was asked to [give his Facebook password to his superior](#) at the Maryland Department of Public Safety & Correctional Services.

Collins [told CBS Baltimore](#) he asked corrections officials what they were looking for and was told, "I'm looking through your messages, through your wall, through your pictures and through your posts to make sure that you're not flashing any gang signs or involved in any illegal activity."

In April of 2011, the Department of Public Safety & Correctional Services made the review of social media sites during the interview process for correctional officer applicants voluntary, [according to a press release](#).

They will also not be asked to supply log-in or password information, the press release said.

Maryland corrections officials said questions about social media activity are designed to eliminate candidates who engage in illegal activity or have gang affiliations.

"The department is doing its due diligence to check any avenue to look for signs that someone might be having association with a gang--and it is a problem inside prisons," Rick Binetti, a Maryland corrections spokesman, told *Patch* Monday. "The majority of violence in prison is driven through gangs and trading and contraband, and it's not unique to Maryland." The [ACLU of Maryland](#) is among the groups pushing for a state law barring employers from asking for Facebook passwords or to access private accounts.

The ACLU has said in an email to supporters that the Maryland Department of Public Safety & Correctional Services policy change to make the social media review voluntary does not go far enough, and said efforts to access private accounts is a "gross infringement of privacy."

[House Bill 964](#) and [Senate Bill 433](#) prohibit employers from asking employees or job applicants for information to access any personal electronic communications accounts.

Nationally, two Democratic senators, New York's Chuck Schumer and Connecticut's Richard Blumenthal are calling for investigations into whether employers are violating federal law when they ask for Facebook passwords during job interviews, [according to the Huffington Post](#). Other states are considering legislation on the issue as well, including Illinois, California and Massachusetts, which has a bill under consideration that forbids employers from "friending" job applicants in order to see private Facebook sites as well, [the Huffington Post reported](#).

**Weigh in on our poll or in the comments below: Should employers judge employees and job applicants by gaining access to their Facebook profiles?**