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Employees' Social Networking Sites: What Can An Employer Obtain?
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Many states, including New Jersey, have been considering legislation that serves to prohibit employers from requiring prospective employees to disclose their social media identities and passwords as a condition of employment. If enacted, such legislation would create a private cause of action for prospective, current and former employees who are either (1) required to divulge their usernames and passwords to an employer or (2) are asked whether they have an account on any social networking site ("SNS").