

GBJB - Employee Social Media Privacy

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For the purpose of this policy, “social media account” means an account with an electronic medium or service through which users create, share and view user-generated content including but not limited to videos, still photographs, blogs, video blogs, podcasts, instant and text messages, email, online service accounts and Internet website profiles and locations.

“Social media account” does not include an account opened at the employer’s behest or provided by an employer or intended to be used primarily on behalf of the employer.

In compliance with Maine’s employee social media privacy law, M.S.A.D. #35, through its administrators or designees, shall not:

1. Request, require or coerce an employee or applicant for employment to disclose a password or any other means for accessing a personal social media account;
2. Request, require or coerce an employee or applicant for employment to access a personal social media account in the presence of administrative or other M.S.A.D. #35 personnel or agent of the school unit;
3. Require or coerce an employee or applicant to disclose any personal social media account information;
4. Require or cause an employee or applicant to add anyone, including administrative or other M.S.A.D. #35 personnel or agent of the school unit to the employee or applicant’s contact list associated with a personal media account; or
5. Request, require or cause an employee or applicant to alter settings that affect the ability of a third party to view the contents of a personal social media account.

M.S.A.D. #35 shall not discharge, discipline or otherwise penalize any employee, who refuses to disclose or provide access, add contacts or alter settings as specified above, or to fail to hire an applicant based on their refusal to comply with illegal requests, requirements or coercion.

This policy does not prohibit M.S.A.D. #35 from requiring an employee to disclose personal social media account information when the employer reasonably believes it to be relevant to an investigation of alleged employee misconduct or a workplace-related violation of applicable laws, rules or regulations, provided the information disclosed is accessed and used solely as necessary for the investigation of related proceedings.

This policy does not apply to information publicly available which may be available on an employee or applicant’s public social media accounts.

As an employer, M.S.A.D. #35 may maintain policies governing the use of its own electronic equipment, including a requirement that an employee disclose to the school unit the employee's user name, password or other information necessary to access employer-issued electronic devices or to access employer-provided software or email accounts.

Legal Reference:

Maine P.L. 2015, Ch. 343

Cross Reference:

GCSA – Employee Computer and Internet Use

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