

**NetChoice** *Promoting Convenience, Choice, and Commerce on The Net*

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March 13, 2013

Sen. Gina Walsh  
Missouri State Senate  
201 W Capitol Ave., Rm. 427  
Jefferson City, Missouri 65101

**RE: SB 164, *Protects employees from being required to disclose personal user names or passwords***

Dear Sen. Walsh:

We appreciate the many improvements to SB 164 and believe the bill is moving in the right direction.

However, there is a fundamental flaw in line 38 that would create unintended harms for businesses -- it prohibits an employer for asking for a "user name" alone. The problem is that the "user name" for a personal email account *is* the email address.

As written, an employer would violate the law just by asking for an applicant's email address to follow-up on a job interview. I'm sure this is not what you had intended when you drafted this legislation.

To correct this problem, while maintaining the integrity of the bill, we suggest that you simply add the word "and," thus making it illegal for an employer to request a "user name *and* password."

Here are the in-line edits:

3. Subject to the exceptions provided in subsection 4 of this section, an employer shall not request or require an employee or applicant to disclose any user name, **[and]** password, or other authentication means for accessing any personal online account or personal online service.

Thank you for you work on this bill and for considering our views. Please let me know if I can provide further information.

Sincerely,

A handwritten signature in black ink that reads "Steve DelBianco".

Steve DelBianco  
Executive Director, NetChoice

*NetChoice is a coalition of e-Commerce businesses. More information at [www.netchoice.org](http://www.netchoice.org)*