



ASSOCIATED INDUSTRIES OF FLORIDA

The Voice of Florida Business Since 1920

October 2, 2015

Dear Member of Senate Commerce and Tourism Committee:

On behalf of Associated Industries of Florida (AIF), a state trade association representing a broad spectrum of industry, we are writing to express our opposition to Senate Bill 186, *Relating to Social Media Privacy*, due to the detrimental ramifications the legislation will have on certain businesses operating within Florida.

AIF believes that privacy protections for employee social media accounts must be balanced in specific contexts with other important considerations, such as employee compliance with laws, protecting the security of employer networks, and protecting against theft of trade secrets or sensitive personal information by employees. This piece of legislation does not strike that balance.

It is our belief that it is critical that employers be able to access these accounts and any devices supplied or paid for by the employer, as employers can be held legally responsible for employee actions using these accounts and devices, and because they are the employer's property.

In addition, it is essential that employers be able to investigate specific allegations of illegal activity or work-related misconduct by employees involving an employee personal account. For example, if an employee is harassing or threatening another employee from a personal social media account, responsible employers need to be able to investigate the allegation to maintain a safe working environment.

Similarly, if an employee is alleged to have engaged in job-related theft of sensitive personal data, insider trading, fraud or other consumer protection violations or bribery from a personal social media account, employers have a responsibility to investigate. The economic impact of the failure to include such an exception could be very significant. AIF believes this legislation would eliminate legitimate employer investigations and would assist in creating a "safe zone" for employees who want to steal extremely valuable IP assets of companies in your state by transferring them to the employee's personal social media or personal email account.

For the above reasons, AIF respectfully opposes SB 186, *Relating to Social Media Privacy*. Please feel free to contact us at the information below if you have any questions or would like to discuss our concerns in greater detail. Thank you for your time and consideration.

Sincerely,

Brewster Bevis
Senior Vice President
State & Federal Affairs

Cc: Senator Jeff Clemens