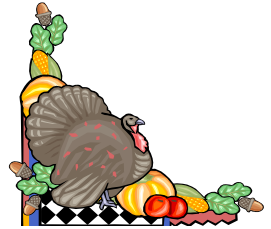




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Happy Thanksgiving!



“Tip of the Month”

Know Your Social Media Law

It is becoming increasingly difficult to find anyone who doesn’t have a social media account, such as Facebook, Instagram, LinkedIn or Twitter. Most people find social networking a great way to stay in-touch with family, old friends or even to make new friends. Businesses and employers also utilize social media to promote their products and services, and even to monitor their employees. That can sometimes lead to legal trouble.

Whether you are an employee or employer, there are aspects of social media law in N.H. that you should be aware of.

RSA 275:74 provides some legal protections for employees’ *personal* social media accounts. For example, N.H. employers cannot:

- request or require job applicants and their employees to disclose their personal social media login information;
- force an applicant or employee to add anyone to his/her personal social media accounts;
- compel an employee to reduce privacy settings on personal social media accounts; or
- require employees and applicants to “like,” “friend” or “connect” on social media with the employer and his/her agent.

Employers, however, are also granted certain rights under the statute. Specifically, N.H. employers are legally allowed to:

- obtain information in the public domain about an employee or applicant;
- adopt company policies reserving the right to monitor all communications using the employer’s network;
- require employees to disclose login information needed to access any employer account (such as a work email, domain name or social media account); and
- monitor an employee’s use of the employer’s social media accounts and electronic systems.

Employers can request access to personal accounts only to conduct investigations of employee misconduct or illegal activity.

Know your rights as an employee or employer. Check those privacy settings and use your social media accounts wisely!

If you have questions about social media law, please contact the attorneys at Mesmer & Deleault, PLLC by calling 603-668-1971 or contacting us by email at *mailbox @ biz-patlaw.com*.

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