

# THE PRIVACY ADVISOR

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## Employers are making good use of applicants' social network profiles, but should they?



By Angelique Carson, CIPP/US

Making a good first impression when it comes to applying for a new job no longer involves simply spell-checking a resume. That's because employers are now capable of eyeballing more than just a candidate's job history and references; these days, social media profiles provide a much broader picture.

Some employers are now using social networking pages to create a profile of a job candidate—a sort of “Facebook score” comparable to a credit score with the difference being that employers must obtain an applicant's consent for a credit score and even then don't get such access as a front-row seat to the applicant's most recent “Friday night out” or posts about ex-relationships.

Proponents of Facebook scoring might point to new research showing the correlation between one's Facebook persona and predicting their future job performance, according to a February [MSNBC report](#). Professors from Northern Illinois University, the University of Evansville in Illinois and Alabama's Auburn University have [determined](#) a “Facebook personality score.” The study looked at 56 Facebook users and scored them based on personality traits such as conscientiousness, emotional stability, agreeableness, extraversion and openness as perceived via data posted on each user's page. Those scores were compared with supervisors' evaluations of the users six months later, and the research showed a positive correlation: the higher the Facebook score, the higher the evaluation.

It's a theory employers seem willing to test out. A 2012 [study](#) conducted by Harris Interactive for CareerBuilder.com questioned more than 7,000 employers and [found](#) that two in five companies are, in fact, using social networking sites to make hiring decisions. Forty-nine percent said a candidate's “provocative or inappropriate” photos or information contributed to the decision to deny the applicant a job offer, and 33 percent said posts about former employers or coworkers were determining factors.

Conversely, 29 percent said they in fact hired a candidate based on social networking research due to indicators such as a “good personality,” a conveyed “professional image” or “great communication skills.”

Fifteen percent of those who said they do not conduct online research about candidates said their company bans the practice. Employers predominantly use Facebook to screen applicants, the study indicated, but LinkedIn, MySpace, Twitter and blogs are also surveyed.

A similar CareerBuilder.com [survey](#) conducted in 2009, however, indicated that 45 percent of those polled used social networking pages to screen candidates, *The New York Times* [reported](#), marking a drop of eight percent in three years.

Meanwhile, last year, *Mashable* reported on social media monitoring service Reppler's [survey](#) of more than 300 hiring professionals that found that more than 90 percent had visited an applicant's social networking profile and that 69 percent had rejected the applicant based on findings.

A Reppler reputation-management tool allows individuals to continuously monitor their online profiles on sites like Facebook, LinkedIn and Twitter by flagging content that could be harmful to an individual's reputation and allowing users to make real-time decisions about whether they want to remove the photo or comment from public view, for example.

The year-old service is popular not only for job seekers but also anyone conscious of how they might be portrayed online, according to Lyn Chitow Oakes of TrustedID, an identity theft and credit monitoring company that recently acquired Reppler.

"People are making hiring decisions based on data available at their fingertips to evaluate a candidate," Oakes said. "Your interview may be your Facebook page."

CareerBuilder Senior Career Advisor Ryan Hunt said there are likely a variety of reasons employers choose not to use social media in hiring decisions, ranging from legal concerns to a belief that the traditional hiring process continues to be the fairest.

However, he points to the research indicating many employers' decisions to hire based on applicants' online data, noting that "savvy job seekers are able to turn their social or professional networking profiles into an extension of their resume without sacrificing their privacy," said Hunt.

Attorney Lisa Sotto of Hunton and Williams said hiring decisions based on applicants' online data is indeed a topic of concern to her firm's clients, noting "The question is what is sort of ethically acceptable and what is not?"

Phil Gordon, an attorney at Littler specializing in employment and workplace privacy law, said when considering the ethics of such practices, it's important to recognize that social media data was never really private to begin with.

"It's simply not," Gordon said. "It's being shared with potentially dozens of people, none of whom are under a legal or contractual duty to maintain the privacy of the information. Anyone could disclose the information on a restricted Facebook page or other social media site to a reporter or could themselves republish it on a publicly available blog."

Sotto said the onus is on the user to determine what data they would like to publicly post online.

"I think it's very difficult to impose rules on employers because there is a slippery slope once you go down that path."

### **Can employers ask for social media passwords?**

In early April, Maryland became the first state in the U.S. to ban employers from asking employees and job applicants for their online account [passwords](#), and national lawmakers as well as states including California, Illinois and Michigan are preparing similar laws aiming to address what employers can and cannot do with employees' and job applicants' data.

Gordon said there often will be cases in which an employer must access employee data, such as if the employer has information that trade secrets are being mishandled or if security or financial laws are being broken. The Maryland [law](#) recognizes and allows for these exceptions, Gordon says, adding the law also has its shortcomings. (See *Gordon's article*, "Maryland 'Facebook law' raises new obstacles for employers vetting applicants and investigating employees but with important exceptions," *in this month's edition*.)

Gordon noted that of the hundreds of private employers he counsels, he's not aware of any asking candidates for their passwords in order to create a Facebook score.

Sotto says the public—particularly young people who don't yet have the necessary foresight but tend to be very open communicators online—needs education on the potential perils of posting data to social networking sites.

"That will happen over time, but because this is all so new, it hasn't happened yet. We're still in the nascent stage," she says.