

Research, analysis and opinion on international media law

New York announces social media law to protect privacy

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New York's State Senate Bill takes effect on 12 March, with addition of Section 201-i restricting access to employee social media

A new media law has taken effect in New York that restricts employer access to applicant and employee social media accounts.

The legislation took effect on 12 March 2024 and applies to employers governed by the New York Labor Law, with the exception of law enforcement agencies and fire departments, as well as departments of corrections and community supervision.

The new law addresses employer access to personal social media accounts defined as 'an account or profile on an electronic medium where users may create, share, and view user-generated content'.

New York Governor Kathy Hochul signed the legislation into law in September 2023. Governor Hochul signed two bills, Assembly Bill 836 (A836) and Senate Bill 2518A (S2518A), that amend the New York Labor Law in several ways.

The new law prohibits employers from requiring employees or job applicants to disclose access credentials for their personal social media accounts, or access their personal accounts in the presence of the employer. The New York law also prevents employers from requesting photographs, videos or any other content from personal accounts. ➤

European Council adopts new law to protect media

The European Council has adopted new rules to 'safeguard media freedom, media pluralism and editorial independence' across the EU's internal borders.

The European Council announced the new rules on 26 March, following which the regulation will be signed and published in the EU's Official Journal, to enter into force 20 days later.

The European Media Freedom Act will establish a common framework for journalists and media companies to operate in the EU's internal market without political interference.

The regulation responds to recent reports of the 'growing threat to media freedom' and the lack of transparency of media ownership in the EU, as well as issues such as the politicisation of the media.

Commenting on the new law, Benjamin Dalle, Flemish Minister for Brussels Affairs, Youth, Media and Poverty Reduction, said: "An independent media is a vital element of any free and democratic society. Today's adoption demonstrates the EU's continuing commitment to protecting journalists and safeguarding media freedom and pluralism."

The law is intended to protect private and public service media providers, protect journalists and their sources, and guarantee media freedom and pluralism.

The European Media Freedom Act builds on the provisions of the 2018 audiovisual Media Services Directive, and introduces an independent European board for media services to replace the regulators group that was established under the 2018 directive. ■

What's inside

- 1-2 MEDIA MARKET NEWS COVERAGE
- 3 MLI'S FOURTH ANNUAL GLOBAL CONFERENCE
- 4 FEATURED FIRM: CHARLES RUSSELL SPEECHLAYS

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DENTONS



India's Reliance Industries and Walt Disney announce merger to create USD8.5bn operation

India's leading conglomerate, Reliance Industries, and Walt Disney have announced the merger of their India TV and streaming assets. The deal, announced on 28 February, will create a USD8.5 billion powerhouse.

The agreement brings together Reliance's Viacom18 and Disney's Star Media. Led by Asia's richest man, Mukesh Ambani, Reliance will invest USD1.4 billion into the joint venture while Disney will provide a content license.

Speaking about the deal, Bob Iger, CEO of Disney, said: "India is the world's most populous market, and we are excited for the opportunities that this joint venture will provide to create long-term value for the

company. Reliance has a deep understanding of the Indian market and consumer, and together we will create one of the country's leading media companies, allowing us to better serve consumers with a broad portfolio of digital services and entertainment and sports content."

The merged entity will have 120 TV channels and two streaming platforms, as well as TV and streaming cricket rights.

Disney will be a minority shareholder, owning just under 37 per cent of the joint venture. The transaction is subject to regulatory and shareholder approval, and is expected to complete by Q1 of 2025. ■

New York announces social media privacy law

← This legislative change is one of many measures introduced around the country to protect online privacy and protect against employer scrutiny. Similar laws have been enacted in states including California, Delaware, Illinois, Louisiana, Maryland, Michigan, Montana, New Hampshire, New Jersey and Vermont.

The law safeguards against retaliatory action by employers, ensuring that

employees or applicants cannot be penalised for refusal to disclose information relating to their personal accounts.

Employers are not prohibited from accessing information that 'can be obtained without any required access information, that is available in the public domain.'

Notably, the law does not prohibit employers from accessing electronic communication devices 'paid for in whole

US-funded Radio Free Asia closes its Hong Kong outlet

Radio Free Asia (RFA) shut down its Hong Kong operation over concerns about safety and press freedom following the enactment of a national security law.

The new law came into effect on 23 March after being unanimously passed by Hong Kong's pro-Beijing legislature, and criminalises criticism of the state. The law includes a jail term of several years up to life for crimes of treason, sedition, state secrets, espionage and external interference.

The US-funded broadcaster has been operating in Hong Kong as a private news organisation since 1996. It closes less than a week after Article 23 becomes effective. RFA will retain its official media organisation but will no longer have full-time staff.

In a statement, Bay Fang, commented: 'Actions by Hong Kong authorities, including referring to RFA as a 'foreign force,' raise serious questions about our ability to operate in safety with the enactment of Article 23.'

In January, the Hong Kong police criticised RFA for an interview with Ted Hui, an exiled activist, on the grounds that it should not provide a platform for the slandering of police. Mr Hui is a former pro-democracy lawmaker, accused of requesting that foreign countries impose sanctions on Hong Kong and China.

Commenting on the decision to exit, a US State Department spokesperson said: 'RFA's decision represents the latest consequence of Hong Kong authorities' continuing suppression of media freedom.' ■

continued from page 1

or in part by the employer'. The law allows for the exemption of non-personal accounts used for business, provided the employee is given 'prior notice of the employer's right to request or require such access information.'

The law does not change a company's obligation to screen employees or monitor communications as required by federal law. Similarly, employers may review information that is voluntarily shared. ■

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