



SPONSOR: Rep. Keeley & Sen. Adams &
Rep. Roy

HOUSE OF REPRESENTATIVES

141st GENERAL ASSEMBLY

HOUSE SUBSTITUTE NO. 1

FOR

HOUSE BILL NO. 539

AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO NOTICE OF MONITORING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend §705(a), Title 19 of the Delaware Code by adding the phrase "with a place of business in
2 Delaware" immediately following the word "association" as the same appears therein.

3 Section 2. Amend §705(b), Title 19 of the Delaware Code by deleting said subsection in its entirety, and by
4 substituting in lieu thereof:

5 "(b) No employer, nor any agent or any representative of any employer, shall monitor or otherwise
6 intercept any telephone conversation or transmission, electronic mail or transmission, or Internet access or usage
7 of or by a Delaware employee unless the employer either: (1) provides an electronic notice of such monitoring
8 or intercepting policies or activities to the employee at least once during each day the employee accesses the
9 employer provided E-mail or Internet access services; or (2) has first given a one-time notice to the employee of
10 such monitoring or intercepting activity or policies. The notice required by this subsection (b)(2) shall be in
11 writing, in an electronic record, or in another electronic form and acknowledged by the employee either in
12 writing or electronically. The notice required by this subsection shall not apply to activities of any law
13 enforcement officer acting under the order of a Court issued pursuant to Chapter 24 of Title 11."

SYNOPSIS

This Act limits the current statutory requirement that employers who monitor their employees Internet usage, E-mail or telephone conversations provide notice of such monitoring to employers with a place of business in Delaware, and only to activities of a Delaware employee. The Act also allows the notice to be given electronically at least once during each day, and allows employee receipt of the one-time notice to be acknowledged electronically.