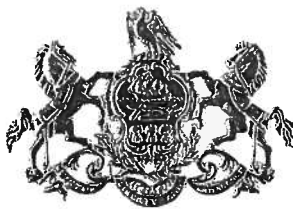


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Senate of Pennsylvania
MEMORANDUM

To: All Senators

From: Senator Jake Corman 

Date: December 10, 2010

RE: **Co-sponsorship memo # 5** – Email Monitoring in the Workplace

I plan to reintroduce Senate Bill 363 of 2009, legislation that would require employers to provide employees with a clear notice if workplace e-mail messages are monitored.

Contrary to the fact that the routine monitoring of e-mail by employers has become more prevalent, a common expectation of privacy to those messages exists. Unfortunately, such reasonable expectations of privacy are not currently recognized in Pennsylvania.

This legislation would clearly provide that employees would have a reasonable expectation to the privacy of their e-mail messages unless their employers provide notice that the content of their email message may be subject to monitoring. It is important that Pennsylvania law provide an equitable balance between the legitimate interest of business to prevent the misuse or abuse of their e-mail systems, and the privacy expectations of their employees.

An employee, whose email communication has been monitored in violation of this legislation, would be permitted to bring a civil action against the employer no later than one year after discovery of the monitoring.

Senate Bill 363 of 2009 – Senators Pileggi, Browne, Erickson, Farnese, Costa, Ori, Alloway, Bruaker, Ferlo, Fontana, Gordner, Kasunic, Logan, O’Pake, Rafferty, Stack, Stout, Tartaglione, Williams, D. White and Tomlinson.

If you have any questions with regard to this co-sponsorship, please contact Scott Sikorski in my office at 787-1377.

If you would like to cosponsor this legislation, please contact Kristi Kreiser in my office at 787-1377 or by email at kkreiser@pasen.gov.