



FIND YOUR SENATOR

Senate Bill S2628

SIGNED BY GOVERNOR

2021-2022 Legislative Session

Requires prior written notice upon hiring and once annually to all employees, informing them of the types of electronic monitoring which may occur

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SPONSORED BY



James Sanders Jr.
(D) 10TH SENATE DISTRICT

ARCHIVE: LAST BILL STATUS VIA A430 -
Signed By Governor





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ACTIONS

HIDE ACTIONS (11)



	Assembly Actions - Lowercase Senate Actions - UPPERCASE
Nov 08, 2021	Signed Chap.583
Oct 27, 2021	Delivered To Governor
Jun 09, 2021	RETURNED TO ASSEMBLY PASSED SENATE 3RD READING CAL.965 SUBSTITUTED FOR S2628
Jun 09, 2021	SUBSTITUTED BY A430
May 12, 2021	ADVANCED TO THIRD READING
May 11, 2021	2ND REPORT CAL.
May 10, 2021	1ST REPORT CAL.965
Jan 22, 2021	REFERRED TO CODES





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A430



43 AYE

20 NAY

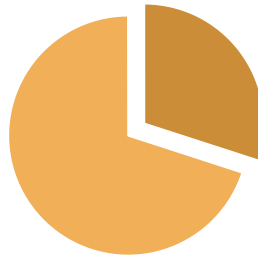
- 0 ABSENT
- 0 EXCUSED
- 0 ABSTAINED

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MAY 10, 2021 - CODES COMMITTEE VOTE

S2628



7 AYE

3 NAY

- 3 AYE WITH RESERVATIONS





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Biaggi

Brisport

Cooney

Kaminsky

Myrie

NAY (3)

Akshar

O'Mara

Palumbo

AYE WR (3)

Gallivan

Kavanagh

Savino

CO-SPONSORS



Andrew Gounardes
(D) 26TH SENATE DISTRICT

2021-S2628 (ACTIVE) - DETAILS

See Assembly Version of this Bill:

A430

Law Section:

Civil Rights Law

Laws Affected:



2019-2020: **S4586, A1920**



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shall also post the notice of electronic monitoring. 2021-S2628 (ACTIVE) - SPONSOR MEMO

BILL NUMBER: S2628

SPONSOR: SANDERS

TITLE OF BILL:

An act to amend the civil rights law, in relation to electronic monitoring

PURPOSE:

To require employers who engage in employee e-mail monitoring to provide notice to their employees about such monitoring.

SUMMARY OF PROVISIONS:

Section 1 amends the civil rights law by adding a new section 52-a, providing that any employer who monitors or otherwise intercepts electronic mail or transmissions by an employee shall give prior written notice upon hiring the employee. The attorney general may enforce the provisions of this law and any employer found in violation shall be subject to a maximum penalty of \$1,000 for each offense. The provisions

of this law shall not apply to processes performed solely for computer maintenance and/or protection.

Section 2 provides this act shall take effect on the one hundred eightieth day after it shall have become a law.

EXISTING LAW:

None

JUSTIFICATION:

Notifying employees of computer monitoring protects employee privacy by making sure that they understand the consequences of inappropriate internet activity. According to the American Management Agency's 2007 Electronic Monitoring and Surveillance Survey, bosses who fired employees for Internet misuse cited the two main reasons as violation of

ity within their organization.





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None

LOCAL FISCAL IMPLICATIONS:

None

EFFECTIVE DATE:

This act shall take effect on the one hundred eightieth day after it shall have become a law.

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2021-S2628 (ACTIVE) - BILL TEXT

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STATE OF NEW YORK

2628

2021-2022 Regular Sessions

IN SENATE

January 22, 2021

Introduced by Sen. SANDERS -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the civil rights law, in relation to electronic monitoring

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The civil rights law is amended by adding a new section 52-c to read as follows:

§ 52-c. EMPLOYERS ENGAGED IN ELECTRONIC MONITORING: PRIOR NOTICE REQUIRED. 1. FOR PURPOSES OF THIS SECTION, EMPLOYER MEANS ANY INDIVIDUAL, CORPORATION, PARTNERSHIP, FIRM, OR ASSOCIATION WITH A PLACE OF BUSINESS IN THE STATE. IT SHALL NOT INCLUDE THE STATE OR ANY POLITICAL SUBDIVISION OF THE STATE.

MONITORING IN A CONSIDERABLE PERIOD WHICH TO REMOTE AVAILABLE FOR VIEWING BY ITS EMPLOYEES WHO ARE SUBJECT TO ELECTRONIC MONITORING.



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[] is old law to be omitted.

LBD00537-01-1

S. 2628

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MAY BE SUBJECT TO MONITORING AT ANY AND ALL TIMES AND BY ANY LAWFUL MEANS.

3. THE ATTORNEY GENERAL MAY ENFORCE THE PROVISIONS OF THIS SECTION. ANY EMPLOYER FOUND TO BE IN VIOLATION OF THIS SECTION SHALL BE SUBJECT TO A MAXIMUM CIVIL PENALTY OF FIVE HUNDRED DOLLARS FOR THE FIRST OFFENSE, ONE THOUSAND DOLLARS FOR THE SECOND OFFENSE AND THREE THOUSAND DOLLARS FOR THE THIRD AND EACH SUBSEQUENT OFFENSE.

4. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO PROCESSES THAT ARE DESIGNED TO MANAGE THE TYPE OR VOLUME OF INCOMING OR OUTGOING ELECTRONIC MAIL OR TELEPHONE VOICE MAIL OR INTERNET USAGE, THAT ARE NOT TARGETED TO MONITOR OR INTERCEPT THE ELECTRONIC MAIL OR TELEPHONE VOICE MAIL OR INTERNET USAGE OF A PARTICULAR INDIVIDUAL, AND THAT ARE PERFORMED SOLELY FOR THE PURPOSE OF COMPUTER SYSTEM MAINTENANCE AND/OR PROTECTION.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.

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