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News & Types: 雇用／労働法／福利厚生関連情報

【雇用法フラッシュニュース】ニューヨーク州、従業員の電子メール等のモニタリングに関し、雇用主による従業員への事前通知を義務化

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Practices: 雇用／労働法／福利厚生

Beginning May 7, 2022, employers in New York who monitor or otherwise intercept telephone conversations or transmissions, electronic email or transmissions, or internet access or usage of or by an employee by any electronic device or system, including but not limited to the use of a computer, telephone, wire, radio, or electromagnetic, photoelectronic or photo-optical systems shall give prior written notice upon hiring to all employees who are subject to electronic monitoring. The notice to newly hired employees must be in writing, in an electronic record, or in another electronic form and acknowledged by the employee either in writing or electronically.

In addition, New York employers must post a notice of electronic monitoring in a conspicuous place which is readily available for viewing by all employees who are subject to monitoring. The notice must inform employees that any and all telephone conversations or transmissions, electronic email or transmissions, or internet access or usage by an employee by any electronic device, including but not limited to the use of a computer, telephone, wire radio or electromagnetic, photoelectronic or photo-optical systems may be subject to monitoring at any and all times and by any lawful means. The attorney general has authority to enforce violations of this requirement via civil penalties.

The justification for the new law provides that “[n]otification of computer surveillance will permit employees to make informed decisions about their internet use with full knowledge of the ramifications of their actions, while supporting companies’ ability to monitor internet activities within their organization.”

Please contact your relationship attorney with any questions.

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