

SUMMARY ANALYSIS OF AMENDED BILL

Franchise Tax Board

Author: Bowen Analyst: Christy Keith Bill Number: SB 1822

Related Bills: See Prior Analysis Telephone: 845-6080 Amended Date: 6/12/2000

Attorney: Patrick Kusiak Sponsor:

SUBJECT: Employee Records/Prohibits Employers From Secretly Monitoring Employees E-Mail Or Other Computer Records

DEPARTMENT AMENDMENTS ACCEPTED. Amendments reflect suggestions of previous analysis of bill as introduced/amended _____.

AMENDMENTS IMPACT REVENUE. A new revenue estimate is provided.

AMENDMENTS DID NOT RESOLVE THE DEPARTMENT'S CONCERNS stated in the previous analysis of bill as introduced/amended _____.

FURTHER AMENDMENTS NECESSARY.

DEPARTMENT POSITION CHANGED TO _____.

REMAINDER OF PREVIOUS ANALYSIS OF BILL AS AMENDED 03/27/2000 and 04/25/2000 STILL APPLIES.

OTHER - See comments below.

SUMMARY OF BILL

This bill would prohibit an employer from secretly monitoring the electronic mail or other computer records generated by an employee.

This bill would require that an employer that intends to inspect, review, or retain any electronic mail or any other computer records notify its employees of its electronic monitoring policies and practices. Also, it would require employees to sign a statement or electronically acknowledge that the employee has received, read, and understood the employer's electronic monitoring policies and practices.

SUMMARY OF AMENDMENT

The June 12, 2000, amendments added to the provision specifying how an employer would comply with this bill's notice requirement by allowing the employer to include the notice in the employee handbook. The June 12th amendments also made a technical change by moving the location of this provision.

The May 25, 2000, amendment deleted the language that would have provided that the workplace privacy and electronic monitoring policies and practices must include provisions that ensure an employee's right to review any data pertaining to the employee.

Other than the discussion in this analysis, the department's analyses of the bill as amended April 25, 2000, and March 27, 2000, still apply.

BOARD POSITION

Pending.

Board Position:	Legislative Director	Date
<input type="checkbox"/> S		
<input type="checkbox"/> SA		
<input type="checkbox"/> N		
<input type="checkbox"/> NA		
<input type="checkbox"/> O		
<input type="checkbox"/> OUA		
<input type="checkbox"/> NP		
<input type="checkbox"/> NAR		
<input checked="" type="checkbox"/> PENDING	Johnnie Lou Rosas	6/19/00