

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 1126

By: Phillips

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5
6 AS INTRODUCED

7 An Act relating to technology; requiring employers
8 provide written notice to employees of electronic
9 mail monitoring; requiring certain categories of
10 monitoring be disclosed; providing certain exception;
11 providing penalties; requiring certain entities adopt
12 a written policy on electronic mail monitoring;
13 providing for codification; and providing an
14 effective date.

15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 773.1.a of Title 14, unless
18 there is created a duplication in numbering, reads as follows:

19 A. Employers who engage in any type of electronic email
20 monitoring of employee accounts shall give written notice to all
21 employees prior to any monitoring electronic mail communication.

22 This notice shall disclose to employees the categories of monitoring
23 that may occur. However, if an employer has reasonable grounds to
24 believe that employees are engaged in illegal conduct and electronic
conduct monitoring may produce evidence of this misconduct, the employer may
conduct monitoring without giving prior written notice. Employers

1 monitoring electronic mail without giving written notice to
2 employees shall be fined Five Hundred Dollars (\$500.00) for the
3 first offense, One Thousand Dollars (\$1,000.00) for the second
4 offense and Three Thousand Dollars (\$3,000.00) for the third and
5 each subsequent offense.

6 B. All state agencies, institutions or political subdivisions
7 thereof that operate or maintain an electronic mail communications
8 system shall adopt a written policy on the monitoring of electronic
9 mail communications and the circumstances under which it shall be
10 conducted.

11 SECTION 2. This act shall become effective November 1, 2021.

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13 58-1-6499 JBH 12/23/2020
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