

We wanted you to be aware of the recent enactment of legislation in Delaware which will impact how Delaware employers monitor and/or intercept their employees' telephone calls, e-mails, or internet transmissions.

Under this new law, which became effective on August 9, 2001, employers who monitor or intercept any telephone calls, e-mails, or internet access of, or by, their employees in Delaware are required to give notice of such monitoring activities to the employees prior to commencing monitoring or at the commencement of the employee's hiring. Employers who violate this law may be subject to a civil penalty of \$100 for each violation.

This new law applies not only to Delaware employers, but also to any agent or representative of such an employer. The law does not apply to processes that are designed to manage the type or volume of incoming or outgoing e-mail, voice mail, or internet usage; that are not targeted to monitor or intercept e-mail, voice mail, or internet usage; and that are performed solely for the purpose of computer system maintenance and/or protection.

Under this new monitoring law, a Delaware employer must only give a "one time" notice of the monitoring or intercepting to each employee. This notice must be in writing and signed by the employee. We have attached a sample notice to this letter for your perusal.

If you have any questions concerning this new Delaware employment law or its implications, please contact [Michael J. Ossip](mailto:Michael.J.Ossip) at 215-963-5761 or mossip@morganlewis.com.