
Do Employees Have a Legitimate Expectation of Privacy in Their E-Mail and Voicemail Communications?

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Today, employees are more and more reliant and knowledgeable about the use of the world wide web, e-mail and voicemail systems for conducting their day-to-day tasks. But, along with business use comes personal use. The employer of today must be cognizant of the risks and benefits of the use and misuse of these ever-expanding technologies.

The usefulness of such technologies is widely known. Likewise, misuse of communication technologies can just as easily waste company time and resources as a result of employees spending too much time on personal e-mail messages; taking part in extensive "chat room" dialogues; misappropriating and disseminating company trade secrets; improperly posting company information on bulletin boards; copying and distributing intellectual property without authorization; and sending or downloading inappropriate, sexually hostile or harassing messages or graphic pictures which can expose companies to liability.

By establishing policies stating the company's expectations regarding e-mail and Internet access and use, employers can prevent misunderstandings and possible claims before they develop.

Hale and Dorr's Internet Law Group has published an article which considers whether employees have a legitimate expectation of privacy in these communications, and to what extent employers can control such communications. In particular, the article discusses:

- Whether employers have a right to monitor e-mail and Internet use by employees;
- The status of federal and state law on employee privacy rights and e-mail;
- How employee access to the Internet can also lead to potential employer liability;
- The increasing use of e-mail messages as evidence in litigation;
- Steps which should be taken by every employer.

Please click [here](#) to read the article. If you have any questions about this article, feel free to contact its author [Lisa Burton](#) at 617-526-6538 or lisa.burton@haledorr.com .