

INVASION OF PRIVACY LIABILITY IN THE ELECTRONIC WORKPLACE: A LAWYER'S PERSPECTIVE

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Electronic technology in the workplace is changing rapidly, and those changes are generating new and distinct challenges for employers seeking to increase productivity and minimize disruptions to employees. Some of the issues facing employers are defensive in nature: protecting the company's systems against intruders, preventing excessive use of electronic resources for non-business purposes, and stemming improper communications by company personnel. Other issues involve decision concerning whether to take action against those who are abusing the company's systems or who are engaging in defamation against the company on outside websites or blogs. Whether one is advising clients as outside or internal counsel, it is incumbent to plan in advance of these now common problems associated with technology in the workplace. While an employer might feel comfort in having an isolated policy that may cover some of these issues, that single policy may not save the day if the employer has not carefully considered and periodically revisited these existing policies to ensure they address the myriad of issues that arise not only from traditional forms of communication, but now from electronic mail, cell phone usage, blogging, hackers, and new forms of electronic media to come.

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