

Ignorance of Blog Law No Excuse

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Blogs are booming. Employees are now using these Internet diaries to broadcast information and opinions worldwide. Inevitably, some of those employees will post hostile, false, or confidential information about their employers and fellow employees.

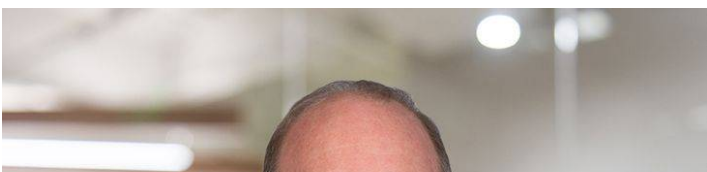
Did you know that laws against defamation and libel apply to blogging? Managers should remind employees that they may be subject to legal action for spreading disparaging and untrue information about the company or for defaming another person. Falsely suggesting in a blog posting that an individual is a thief or a criminal, or is dishonest or sexually promiscuous, can result in legal action for defamation. Did you know that laws against invasion of privacy also apply to blogging? Employees should be warned that posting private information about another person's medical, financial or sexual affairs may expose them to a lawsuit.

In determining how to deal with such postings, employers will first need to consider when they can *legally* monitor computer sites; when they will *actually* monitor; how they will *notify* employees of their intent to monitor; and whether any objectionable postings are *legally protected* or instead form a basis for *discipline or discharge*. Navigating these treacherous waters is a daunting task, but if you fail to protect your company's reputation in appropriate cases, you will likely open the door to even more harm.

To clarify the limits placed on employees, many employers are implementing blogging policies to notify employees of impermissible behavior. Let employees know that they will be subject to disciplinary action, up to and including termination of employment, for violation of the company's blogging policy. Warn employees that blogging under an alias provides no protection against legal action, because administrators of blogging Web sites may be forced by court order to reveal the blogger's identity.

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