

In Wake Of Court Ruling On Privacy Issue, All Employers Need Employee Tech Policies

Publication

9.14.10

In mid-June, for the first time, the U.S. Supreme Court considered whether an employer was within its rights to search employee text messages. The court decided unanimously that the search was reasonable. Although the case focused on a government employer, the decision clearly has ramifications for private businesses as well.

To protect themselves and minimize the possibilities that employees will misuse company technology, it is extremely important that businesses and organizations put written communication policies in place. As the court observed, "Employer policies concerning communications will, of course, shape the reasonable expectations of their employees, especially to the extent that such policies are clearly communicated."

Both public and private employers should establish and implement formal, written electronic communications and systems usage policies, broad and flexible enough to cover emerging technologies, and update them regularly as new technologies develop. Internet or e-mail policies should cover use of company-issued electronic devices, texting and appropriate use of social-networking sites both at work and away from work. The written policies should include explicit statements that employees have no privacy, confidentiality or ownership expectations in data stored on company systems or in any communications generated using employer-provided devices. Written policies should be acknowledged in writing by all employees.

Technology is necessary for conducting business, and its reach and effect will continue to expand. Policies that establish company expectations will help ensure that employees use that technology appropriately and in ways that provide a clear company benefit.

This article appeared in the September 14, 2010 edition of *The Kansas City Star*.

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