

E-MAIL WARNING

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For a variety of reasons, electronic mail has become an increasingly popular way for businesses to send messages, surpassing facsimiles and traditional correspondence. E-mail can be immediately sent, is rarely garbled in transmission, and can be delivered without interference from a receptionist or assistant and regardless of whether the recipient is in a meeting or is otherwise occupied. Further, aside from the initial computer costs, e-mail is less expensive than most other means of communication.

Just as these advantages have been recognized by businesses, the benefits of e-mail have not been lost on individual employees. In addition to work-related messages, many employees are using e-mail to communicate with family and friends both during and after working hours. While many of these messages are harmless, some contain offensive jokes and other illicit material. In addition, there is a danger that email can be used by disgruntled employees to harm an employer through the transmission of confidential information or trade secrets.

For the foregoing reasons, a simple warning should be included in all inter-office messages and communications sent to outsiders. A warning or disclaimer is relatively easy to install and can be included in a default program which will automatically appear at the end of every message. While the wording of a warning can vary depending upon the needs of the business, it is important that it provide some protection for the employer's confidential information and advise users that e-mail is for business purposes only. We suggest the following language:

The information contained in this communication is confidential and privileged proprietary information intended only for the individual or entity to whom it is addressed. Any unauthorized use, distribution, copying or disclosure of this communication is strictly prohibited. If you have received this communication in error, please contact the sender immediately. If you believe this communication is inappropriate or offensive, please contact the sender's human resources department. It is our policy that e-mails are intended for and should be used for business purposes only.

PROFESSIONALS

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PRACTICE AREAS

Employment

An e-mail warning should not replace other protections the employer may have for its confidential information or trade secrets or its policies against harassment and discrimination. Rather, the warning should supplement these policies. Accordingly, these policies, as well as a more thorough description of the employer's policies concerning e-mail, should be included in the employer's personnel handbook. In addition, each employee should be specifically informed that violation of any of these policies may subject the employee to disciplinary action, up to and including termination of employment.