

## Online and Email Risks in the Workplace

This business development briefing highlights the risks all employees should be aware of when using email and the internet at work, sending work related emails or discussing the workplace on the internet.

### **Reputational risks?**

What employees write in emails or on the internet could seriously damage their own or another person's reputation, they could lose their job and they and their employer could be sued, fined or even imprisoned.

### **Advise employees:**

#### **1. to stop and think before they click:**

- Anything written in an email has the potential for public exposure (for example, if the email is forwarded to others).
- Posting on the internet is essentially making a public statement (for example, when commenting on social media sites, blogs or other electronic forums).
- Failing to take care about what you write can have serious personal, disciplinary and financial implications.
- Even if you are emailing or using other forms of online communication in their own time, if you refer to people at work or work related matters, you and your employer could get into trouble.

#### **2. that emails and internet postings can be used in legal proceedings:**

- Emails and internet postings can be used against you or your employer in legal proceedings, disciplinary meetings or other regulatory investigations.
- Never delete emails relating to a legal dispute or investigation or potential dispute or investigation.

**If you would like to discuss any of the matters raised in this newsletter please contact:**

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*The information in this newsletter is not meant as a substitute for advice on particular issues and is written in general terms. You should seek specific advice before taking any action based on the information in this newsletter.*

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*This newsletter outlines the law as it stands at the date of writing in February 2015.*

**3. it is very difficult to delete emails and online postings:**

- simply deleting emails or internet postings will not necessarily solve the problem. Forensic IT equipment can still find supposedly “deleted” messages.
- what you publish online will likely be available for a long time, to be read by anyone, including your company itself, future employers and colleagues.

**4. do not be hurtful or spread rumours:**

- never send emails or post content online that could be thought of as obscene, racist, sexist, bullying or hurtful.
- never lie, exaggerate or make a false or inaccurate statement about another company or person. You could be sued even if an email was only sent to one person.
- forwarding an email can be just as serious as writing the original. You could be sued even if the original was sent or forwarded to only one person.

**5. take care with confidential information:**

- where possible, avoid sending confidential information (such as confidential intellectual property or trade secrets) by email. Take legal advice on how the information can be best protected.
- an email containing confidential information should be clearly marked as ‘confidential’.
- If you receive an email containing another company’s confidential material (for example, a company’s trade secrets) and the email was not part of a legitimate business transaction, they should take legal advice immediately.

**6. do not make a contract by mistake:**

- a legally binding contract can be made by a simple exchange of emails
- an employee must make clear if they do not intend their email to be binding

**7. do not copy someone else’s work:**

- only use or attach someone else’s work to you emails if you have permission or you know the work is not protected by copyright or other intellectual property rights (for example, trade mark rights). This includes photographs and music.

- do not assume that work you find on the internet is free to use.

**8. do not send or view offensive or unknown emails:**

- monitor what arrives in your inbox, especially if you do not know the sender or the title of the email seems odd.
- if there is a risk that the email may contain a virus, do not open it and inform the IT department immediately.
- you could be disciplined or even dismissed for forwarding inappropriate emails or accessing inappropriate websites at work. In severe cases it could also be a criminal offence.

**9. avoid unproductive uses:**

- most businesses allow light personal internet and email usage as long as it does not interfere with your duties. However, excessive, unproductive usage is not permitted and may be treated as gross misconduct.
- emails can often be a waste of time. Think carefully before copying someone in on an email, especially if there is a long chain of emails attached.

