

N.J. Human Resource Law Alert - May 2010

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EMPLOYEE PRIVACY: EMPLOYEE MAY HAVE RIGHT OF CONFIDENTIALITY TO CERTAIN NONBUSINESS EMAILS SENT AND RECEIVED ON COMPANY COMPUTER

Since the dawn of email communications, employers have generally required that email be used only for business purposes, and have enforced that policy by asserting their right to inspect such emails. The reasoning underlying the policy is simple: If the employer supplies the computer terminal, and the emails are sent and received on company time, then those communications are the property of the employer, and the employee forfeits whatever privacy interest he might otherwise have in them.