

Privacy in the Workplace

A company's top salesperson's productivity is dwindling. His door is closed more often than it used to be. The company has heard rumors that he is looking at inappropriate Web sites, visiting chat rooms, exchanging inappropriate jokes with his friends outside the office, and looking for a new job online. The company would like to investigate these matters but is not sure what right it has to look at an employee's private affairs. Is the employer entitled to unfettered access to the salesman's computer information?

While there are a multitude of areas where privacy rights intersect employment decisions, a common and complicated issue facing employers today is privacy rights in the evolving electronic workplace.

Such issues often arise in the context of trying to control the electronic workplace. Is it possible for a disgruntled employee (or soon-to-be-ex-employee) to pirate significant confidential company information, trade secrets or other intellectual property by transferring it to an off-site location or downloading it to a small disc, which he or she puts in a coat pocket on the way out the door. Additionally, e-mail, which is more often than not the preferred means of communication in many companies, forever memorializes potentially damaging information and "discussions," which likely would have been communicated orally in the "old days."

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