

August 06, 2008

**Monitoring an Employee's Email and Internet Use**

**HOT TOPIC:**

Can an employer review an employee's use of the employer's internet or email accounts or the communication transcripts arising from this use?

**ANSWER:**

In some circumstances, an employee may have a reasonable expectation of privacy related to their use of an employer's internet or email accounts. Without a specific written policy an employer may be unable to legally access the employee's usage history, activities or the communication transcripts. As a result, to be able to access such information, the employer must be certain that it has clearly articulated and enforced a usage policy that: (1) prohibits the use of government-owned equipment for personal matters; and (2) provides notice that the transcripts of any communications made or received may be accessed and reviewed without the employee's knowledge or consent.

The Honigman Labor and Employment Group can provide you with more information regarding the policy you must have in place to review an employee's internet and email usage, and can also review the adequacy of the policy that you are currently relying upon.

**Honigman Miller Schwartz and Cohn LLP Labor and Employment Attorneys**

Shanta S. Anderson-Williams	(313) 465-7580	<a href="mailto:SWilliams@honigman.com">SWilliams@honigman.com</a>
Henry J. Andries, Jr.	(313) 465-7310	<a href="mailto:HAndries@honigman.com">HAndries@honigman.com</a>
Trisha M. Benson	(313) 465-7404	<a href="mailto:TBenson@honigman.com">TBenson@honigman.com</a>
Laura A. Brodeur-McGeorge	(313) 465-7312	<a href="mailto:LBrodeur@honigman.com">LBrodeur@honigman.com</a>
Sean F. Crotty	(313) 465-7336	<a href="mailto:SCrotty@honigman.com">SCrotty@honigman.com</a>
Matthew S. Disbrow	(313) 465-7372	<a href="mailto:MDisbrow@honigman.com">MDisbrow@honigman.com</a>
Stephanie Douglas	(313) 465-7378	<a href="mailto:SDouglas@honigman.com">SDouglas@honigman.com</a>
Cameron J. Evans	(313) 465-7370	<a href="mailto:CEvans@honigman.com">CEvans@honigman.com</a>
L. A. Hynds	(313) 465-7426	<a href="mailto:LHynds@honigman.com">LHynds@honigman.com</a>
Russell S. Linden	(313) 465-7466	<a href="mailto:RLinden@honigman.com">RLinden@honigman.com</a>
Tara E. Mahoney	(313) 465-7442	<a href="mailto:TMahoney@honigman.com">TMahoney@honigman.com</a>
Robert J. Muchnick	(313) 465-7498	<a href="mailto:RMuchnick@honigman.com">RMuchnick@honigman.com</a>
Stanley H. Pitts	(313) 465-7516	<a href="mailto:SPitts@honigman.com">SPitts@honigman.com</a>
William D. Sargent	(313) 465-7538	<a href="mailto:WSargent@honigman.com">WSargent@honigman.com</a>
Jeanne M. Scherlinck	(313) 465-7484	<a href="mailto:JScherlinck@honigman.com">JScherlinck@honigman.com</a>
Adam C. Smith	(313) 465-7584	<a href="mailto:ASmith@honigman.com">ASmith@honigman.com</a>