

Companies Should Update Their Policy to Address “Blogging” and Instant Messaging

According to a recent study by the American Management Association (AMA), Companies are facing increased exposure from the activities of their employees as a result of computer activity including “instant messaging” (IM) and “blogging.”

Blogging is the act of participating in a blog. A blog is an article placed on the World Wide Web. The blog allows for responses to the article to be appended to on the web. Readers can respond to the original article or make comments to the response to the article. When employees participate in a blog, many times their employee e-mail is identified thereby identifying your company.

Instant Messaging is a service offered by many internet providers where people participate in a typed conversation over the internet. As with blogging, these records become a part of the company computer.

According to the AMA, IM and blogging have been costly to employers. According to the AMA survey “24% of organizations have had employee e-mail subpoenaed, and 15% of companies have gone to court to battle lawsuits triggered by employee e-mail. . . Last year, the inability to produce subpoenaed e-mail resulted in million dollar...lawsuits against U.S. companies.” The survey notes “76% of organizations have e-mail usage and content policies, with another 68% using policy to control personal e-mail” The Study found employers do a less effective job of managing electronic business records, “only 34% of companies have written e-mail retention/deletion policies in place”

The survey also found “35% of employees use IM at work, only 31% of organizations have IM policy in place, and 13% retain IM business records. With 50% of workplace users downloading free IM tools from the Internet—a dangerous practice that 26% of employers aren’t even aware of—the lack of written IM rules opens organizations to tremendous risk. Employees’ use of public IM tools coupled with ill-advised content including attachments (26%); jokes, gossip, rumors and disparaging remarks (24%); confidential company, employee, and client information (12%); and sexual, romantic and pornographic chat (10%)—make workplace IM a recipe for legal, regulatory and security disaster.”

The study also found that numerous employees are operating blogs from the work computer. This practice can result in copyright infringement, invasion of privacy, defamation, sexual harassment and other legal claims; trade secret theft, financial disclosures, and other security breaches; blog mob attacks and other PR nightmares; productivity drains; and mismanagement of electronic business records.

The article link is attached for your consideration. We ask our clients to review their Policy manual, to update their computer policy to address internet records retention and add a policy involving instant messaging and blogging on company computers. Prior & Daniel, LLC is happy to assist you in updating your policy.

Please go to http://www.amanet.org/press/amanews/2006/blogs_2006.htm for the full article.