



## **Can employers read employees private messages on work computers?**

### **Yes says the European Court of Human Rights (“ECHR”)**

In a dramatic ruling by the European Court of Human Rights, employers are allowed to read the private messages of their employees on email and other forms of internet communication on a work computer.

The ruling is in relation to a recent case where a firm that had read one of their employee’s Yahoo Messenger chats on his work computer was within its rights. The judges deemed that the company rules had been breached and the employer had the right to check on the employees activities.

However, the Court also ruled that this does not permit wholesale snooping. The employee was hoping that the court would rule in his favour because his employer had breached his right to confidentiality when his messages were accessed in 2007. He was fired for using Yahoo Messenger for personal as well as professional reasons.

The ECHR ruled that as the employer believed it was accessing a work account it had not breached any private data protection rules. They dismissed the man's request, saying that it was not "unreasonable that an employer would want to verify that employees were completing their professional tasks during working hours".

Jacqueline Webb, Employment Partner says “This decision supports previous rulings relating to an employees privacy at work and highlights the importance of effective and lawful employee monitoring. In this particular case, the Romanian engineer, Bogdan Barbulescu was employed by a company which banned staff from sending any personal messages while they were at work. Although he had lost his case in Romania he took it to the Court of Human Rights in Strasbourg but he got the same message, that it may be necessary for an employer to access their staff’s messages while at work. He had also been warned that the company would check his messages.

Employers should clearly state and explain any company rules that would allow them to check their employees online activities. We ensure that our clients’ company handbooks and contracts of employment confirm what employees can expect in their online activities in relation to the company policy. It is totally legal in the UK for an employer to insist on access to an employees online communication while at work.

We would not advise on a total blanket ban as it’s a normal way of life for people to be able to talk to their friends and family online while they are at work, providing the time spent is reasonable.

"I think that this Supreme Court judgement emphasises the importance of having suitable monitoring policies in place and ensuring that there are clearly communicated to staff."