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online and email risks

This checklist highlights the risks that your business and your employees should be aware of when using the internet (including social media like Facebook and Twitter) or sending e-mails and gives some practical suggestions of how to minimise those risks.



Reputational risks

Information that is written on the internet and e-mails can seriously damage your business' reputation and the reputation of individual employees. Your employees could lose their job, be sued or face criminal charges and your business could be sued or fined.

Stop and think before you click

Writing something on the internet or in an e-mail is exactly the same as writing on paper and, because of the lack of control of who might ultimately see it, sometimes worse. Your business cannot control what the recipient does with an e-mail.

Inappropriate information that is written online or in an e-mail can have severe financial repercussions for your business. It can also create personal and disciplinary issues for individual employees.

Even if your employees are e-mailing or using social media in their own time, they could still get themselves and your business in trouble.

E-mails and internet postings can be used in legal proceedings

E-mails and internet postings can be used against your business in legal proceedings or other regulatory investigations and you may have a legal obligation to disclose them to the other party, even if it is not aware of them.

Your business should never delete e-mails relating to:

- a legal dispute;
- an investigation; or
- a potential dispute or investigation.

It is very difficult to delete e-mails and online postings

Simply deleting e-mails or internet postings will not necessarily solve the problem.

Forensic IT equipment can still find supposedly "deleted" messages.

More information

If you have any queries about the content of this checklist, please contact Amanda Doyle on amanda@doylelaw.co.uk.

The information in this checklist does not constitute legal advice and is provided for general information purposes only. No warranty, whether express or implied is given in relation to this checklist.

Offensive material

Online content or e-mails that could be thought of as obscene, racist, sexist, bullying or hurtful should never be posted or sent. Your business can be held liable for discriminatory acts committed by your employees.

If a comment is made about another employee online or in an e-mail that amounts to harassment, your business could be liable even if the employee was using their own equipment when they made the comment. Exaggerating or making false or inaccurate statements about another company or person online or in an e-mail could lead to your business being sued, even if the e-mail was only sent to one person.

Make your employees aware that they could be disciplined or even dismissed for forwarding inappropriate e-mails or accessing inappropriate websites at work. In severe cases it could also be a criminal offence.

Take care with confidential information

Where possible, avoid sending confidential information by e-mail. Your business should take legal advice on how the information can be best protected.

Any e-mail containing confidential information should be clearly marked as "confidential".

If your business receives an e-mail that contains "dangerous" material (for example, another company's trade secrets), take legal advice as soon as possible.

Contracts can be made by email

A legally binding contract can be made by a simple exchange of e-mails so do not enter into a contract by mistake.

Make it clear if your business does not intend to be bound by what is communicated in an e-mail.

Do not copy someone else's work

Other people's work should not be used in e-mails or online posts unless:

- your business has permission from the original author; or
- you know that it is not protected by copyright.

Employees

Most businesses allow light personal internet and e-mail usage as long as it does not interfere with their employees' duties. However, you should make sure your employees are aware that excessive, unproductive use of the internet and e-mails at work may be treated as gross misconduct for which they could be dismissed.

Make sure employees understand the risks of internet and e-mail use.

It is advisable to have an Employee Policy / Code of Conduct on e-mail, social media and internet use.

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