IS YOUR WORK EMAIL REALLY PRIVATE?

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From the NTSC / TAG Information Technology team

Aware Force™

Not as much as you might think.

90% of business communication is conducted through email. As we've seen with recent hacks, a lot of that communication is sensitive.

The controversy these past few weeks over leaked Democratic Party emails has provided a new source of friction in the presidential debates.

But politics aside, how safe are the emails you send on the job? And is that communication really private?

43% of employers monitor employee email and 66% monitor employee web traffic.

Security breaches in the news prove that hackers can get into even the most secure systems. The Defense Department receives a million hack attempts

per day, and according to POLITICO, some of those attempts are successful. So it's reasonable to assume any email system can get hacked and exposed. The law says, if you or your organization can be sued in federal court (and most of us can), your organization must be able to quickly recover and submit all email records for the time period in question. That's a lot of material!

The more pressing question for employees is whether the emails you send and receive at work are private. Let's break it down to personal emails sent on the job and business-related emails.

Emails sent and received by you on your organization's email account are property of the organization. Nationally, half of all organizations monitor employee email, and one in four have fired an employee for misusing email.

In fact, should a legal issue ever arise involving the organization's emails, all company emails including yours can be subpoenaed and used in court.

There's not a specified timeframe that organizations must archive emails, but some legal experts say a safe answer is to keep email data for as long as US tax returns have to be kept: seven years. And in larger organizations that generate millions of emails a year, that's a daunting job.

The rules also say emails sent to or from your Gmail account on a computer owned by the organization are covered by these regulations, as are texts and chats you create on the job.

There are some things to consider as you use email on the job:

- Employers should have a written email policy in place covering use of the organizations computers. If you aren't familiar with the policy where you work, ask a supervisor for guidance. Even if they don't have a written policy, emails sent on the company's account are property of the company.
- Chats and instant messages you send on a computer owned by the organization are generally considered the property of the organization.
- Some organizations — typically employers in regulated industries — have filters in place to flag emails that contain keywords such as off color words, the names of competitors or even zip codes.
- In most cases, content in emails you send on a company owned computer is not protected by attorney client privilege, so if you're emailing back and forth about a sensitive personal legal matter, stop. It is best to use your personal computer and your personal email address.
- Even if there is a way on your company account to mark an email as "private," that designation doesn't matter in the eyes of the law.
- If you delete an email after sending or receiving, it's still on the server and can still be accessed. In some cases this is true, *even if the message is never sent*!

To reduce the risk of you and your organization being hacked, pay attention to the email address when you respond to emails. Hacks occur when bad guys send you emails that appear to come from a legitimate source, but link to addresses that can infect your computer with malware.

Avoid sending emails or text messages on company equipment that would be considered bigoted or off color. In a court case, that style of communication could add to their legal troubles.

Use your employer's computer only for company business. For personal communications, stick to electronics that you own, using only your own email and text addresses.

As nolo.com says, don't send an email on your employer's computer that you wouldn't want your mother to read.