

Electronic Mail and Internet Access Policy

Note: In order to manage computer use and protect both employees and the firm from misunderstandings and needless contentiousness, a firm needs a written *policy*. The following is a generic policy which you may wish to adapt for your firm's needs. It is designed to be rather restrictive, since it is better to have a restrictive policy that you can be lenient about enforcing than a loose policy that is unenforceable when you need to.

Heckman Consulting
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Access to and Use of Email

I. Availability of Electronic Mail Software

Electronic Mail ("email") facilities are made available to every individual working at _____ (the "Firm") who has a PC and has signed this Consent Form.

II. Contents

- a. While email is appropriate for confidential internal communications, all email users will be held accountable for the contents of the email messages they send. The Firm's high standard of professional conduct expected from each employee should govern the tone and contents of the email messages authored by each employee. Email messages should be related to the Firm's practice or its business.

Proper business etiquette should be maintained when communicating via email. Flaming, sarcasm, poor language, inappropriate comments, poor attempts at humor, and so on, should be avoided. Chain letters and similar mass-distribution mail are prohibited.

The best guide is not to include in an email message anything you would not want included in a firm file available for inspection by others.

- b. The distribution of copyrighted PC software to non-licensed recipients through electronic mail is strictly forbidden.

III. Privacy

- a. Authorized employees and contractors of the Firm may access an individual's electronic "mail box" on the Firm's email system. Such access will be entirely within the Firm's discretion and for activities including, but not limited to:
 - installing and testing an individual's electronic mail software on his or her PC.
 - "backing up" or copying email messages from your current PC when installing a new PC in your work area.
 - training an individual on the use of email.
 - diagnosing a hardware or software problem with your PC.
 - floater or temporary secretaries "opening" and printing out email sent to a secretary whose desk they are covering.
 - secretaries "opening" and printing out email sent to their assignments, either when their assignments do not have a PC or have asked that their secretary perform this task.

- deleting an electronic mail box, and
 - if the Firm has reason to suspect abuse of any sort.
- b. In light of the above, your consent to the firm having access to your electronic mail box must be given, as indicated by your signature below, before you will be assigned an email account. In addition, it is expected that each employee will assign an appropriate password to their personal email account and not disclose their password to unauthorized individuals.
 - c. Each email user should “sign off” their PC before they leave for the day or when they will be absent from their desk for an extended period. Please remember that if you are “signed on” to your PC, unauthorized persons will have complete access to your email account when you are not at your desk or if someone knows (or guesses) your email password.
 - d. All email users should remember that *any* message they send can be electronically forwarded to someone else without their knowledge.

IV Legal Discovery of Electronic Mail Messages

Each email user should remember that all electronic mail messages are subject to legal discovery by third parties.

V Automatic Backup and Retention of Messages

- a. No backup or duplicate copy will routinely be made of any email message stored on the Firm’s network servers. Therefore, email messages that are deleted by both the sending and receiving part(ies) will not exist in any electronic medium.

Alternate Provision A

- a. E-mail will be kept for a period of ___ days (30, 60, 90). After that time all e-mail will be deleted from the system.
- b. Each individual has the capability of permanently retaining electronic copies of email messages that are sent or received by that individual.
- c. No transaction log or record of internal email messages is retained on the Firm’s network servers.

VI Issues with External Email Communications

- a. When email is exchanged with parties outside the firm, the message is electronically transported via email “common carriers.” Please be aware that electronic mail messages sent to destinations *outside* the Firm are subject to unauthorized interception. Email messages sent to individuals outside the Firm must *never* contain sensitive or confidential information.

The best guide is to treat e-mail messages to the outside as if they were messages on a postcard being sent through the mail.

- b. We recognize that employees often work long hours and occasionally need to conduct personal business from the office. Therefore, we authorize occasional personal email correspondence, which should not distract from work-related activities. Email is a business tool wholly owned by the Firm, which reserves the right to monitor mail should policy abuse be suspected.

Access to and Use of the Internet

I. Availability of the Internet

Internet access is made available to every individual working at the Firm who has a PC and has signed this Consent Form.

II. Privacy

Authorized employees and contractors of the Firm may access an individual's Internet usage logs ("Favorites," history, bookmarks, "cookies," etc.) Such access will be entirely within the Firm's discretion.

The firm reserves the right to monitor all Internet access and usage by Employees.

III Authorized Use

Employees are authorized to access the Internet for Firm-related business.

We recognize that employees often work long hours and occasionally need to conduct personal business from the office. Therefore, we authorize occasional personal Internet usage, which should not distract from work-related activities. Internet access is a business tool wholly owned by the Firm, which reserves the right to monitor all Internet access should policy abuse be suspected.

The Firm reserves the right to restrict access to any Internet site it deems unnecessary or inappropriate, including, but not limited to, dating services, e-Bay and other auction sites, Instant Messaging programs, non-business related listservs and blogs, sites that operate as "feeds" (of weather, sports, news, etc.) which take up bandwidth and may therefore interfere with business uses.

IV Restrictions and Sanctions

Downloading and/or distribution of images or other information that serves no business purpose or is judged to be inappropriate may be sanctioned by warnings, or, in extreme cases, dismissal.

Downloading and installation of any and all software programs, except at the direction of an authorized member of the Firm, is prohibited.

I have read the above and accept it as terms and conditions of my use of email and the Internet at

Name

Date

Many firms are adopting e-mail disclaimers similar to those found on fax cover sheets. The following is a very complete one. You may meet your requirements with a simpler version.

Typical e-mail disclaimer:

This message originates from the law firm of _____. The message and any file transmitted with it contain confidential information which may be subject to the attorney-client privilege, or otherwise protected against unauthorized use. **The information contained in this message and any file transmitted with it is transmitted in this form based on a reasonable expectation of privacy consistent with ABA Formal Opinion No. 99-413.** Any disclosure, distribution, copying or use of the information by anyone other than the intended recipient, regardless of address or routing, is strictly prohibited. If you have received this message in error, please advise the sender by immediate reply and delete the original message. Personal messages express views solely of the sender and are not attributable to _____

Firms with a tax practice, may also wish to add something along the following lines:

To ensure compliance with Treasury Department regulations, we advise you that, unless otherwise expressly indicated, any federal tax advice contained in this message was not intended or written to be used, and cannot be used, for the purpose of (i) avoiding tax-related penalties under the Internal Revenue Code or applicable state or local tax law provisions or (ii) promoting, marketing or recommending to another party any tax-related matters addressed herein.