

“ Plain speaking legal advice ”

**Internet Mis-Use
Social Networking**

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With social networking sites such as My Space and Face-book having around 15 million users in the United Kingdom, it is clear that these sites are now hugely popular. Sites like these enable users to share their lives and experiences with friends and strangers via public and private messages, music, photos and videos. An employee's ability to keep up to date with friends and relatives while at work could be argued to be beneficial in helping manage the work life balance more effectively. Some surveys however show that a third of Internet users access the web from work and it is therefore hardly surprising that Internet use has become a real issue for the HR manager.

Whilst there is nothing in law to stop employers putting an outright ban on employees using social networking sites at work, this could well be very hard to enforce due to the speed of change on the Internet. Software can be used to prevent employees from logging onto the Internet during working hours and can also be used to ban employees from obtaining access to certain specific websites. If you are using this software, it is essential that HR departments work closely with IT staff to ensure that the lists of blocked or undesirable sites are regularly reviewed and updated.

If as an employer you wish to monitor your employee's use of the web, then it is important to firstly inform your employees that this is what you are going to do, otherwise you could find yourself breaching privacy rights. Any personal information gathered by this monitoring should also be held and processed in line with the current data protection law. A case can be made out for allowing access to social networking sites as many employees have argued that they use it for business networking and to communicate amongst themselves. Whilst this can encourage good social interaction amongst the staff, there are risks attached to employees identifying their employers on such sites. For example, if offensive or unsuitable material is published, then an employee might find that they are facing disciplinary action. Any derogatory postings about the organisation can of course damage any reputation or brand.

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Whatever policy an employer uses, it needs to be made clear exactly what use of sites is permitted and when and if using social networking sites, whether employees may identify their employer.

Employees need to understand that the use of the Internet may be monitored and that any on-line revelations about either the employer or the private lives of work colleagues may result in disciplinary action.

If you would like further information on this issue then please contact Ashley Holden at Herrington & Carmichael LLP on 0118.977.4045 or by e-mail at aholden@herrington-carmichael.com.

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