Want to Peek at Your Employee's Email? Be Careful

Clarence Webster III, writing in Bradley Arant Boult Cummings' **Labor & Employment Insights**, asks and answers the question: Can you look at an employee's personal email account if you access it on company equipment?

"A recent opinion from the federal District Court of Maryland should at least make you think twice before doing that," he warns. "In *Levin, et al. v. ImpactOffice*, the court denied a company's motion to dismiss a former employee's Stored Communication Act (SCA) claim, which arose out of just such a scenario. The court found that former employee Melissa Edwards could proceed with her claim because the accessed emails were retained on Gmail's servers 'for purposes of backup protection.'"

Webster discusses the facts of the case and concludes that employers should be wary of accessing an employee's web-based email account without permission.

Read the article.

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