

Monitoring employee emails in the UK

Monitoring of employees' email is already permitted in the UK subject to a number of regulatory frameworks including the Data Protection Act 1998 and the Information Commissioner's Employment Practices Code (the "Code").

It is already common practice in the UK for employers to review employees' emails and messages on company IT systems when carrying out disciplinary investigations, and employment tribunals have generally been willing to consider relevant evidence obtained in this way. Indeed, the Code clearly envisages employers undertaking this type of review – whilst emphasising that an impact assessment must be carried out and it must always be justified and proportionate.

UK employers should always bear in mind the relevant data protection principles under the Data Protection Act 1998, and the provisions of the Code when monitoring employees' communications. Employees should also be made aware through an appropriate policy that monitoring could be carried out and that they should have no expectation of privacy in communications made on company IT systems.

The information contained in this update is intended as a general review of the subjects featured and detailed specialist advice should always be taken before taking or refraining from taking any action. If you would like to discuss any of the issues raised in this article, please get in touch with your usual Olswang contact.