

Privacy laws and policies debate essay sample

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When working for a company it is expected that you hold yourself to a higher standard and reputation within and for the company. A company may set certain regulations and policies that need to be abided by however they also need to live up to some high standard themselves. Stating that it is legal and ethical to make sure the company would and can protect themselves is accurate. However it is how far the employer is willing to take the privacy actions. When they want to invade in one's personal business, like listening to personal phone calls, monitoring social media sites that employees use on their personal time, or even their email. This would be a complete invasion of privacy to the employee and is not ethical nor is it legal. There are three exceptions to the rules that can give an employer the opportunity to be able to invade in someone personal business, provider exception, ordinary course of business, and course of business. According to the Electronic Communications Privacy Act (ECPA) there are some exceptions to these rules like " provider exception" where if the employer provides material for work use one is not to use it for personal use.

The second exception is " ordinary course of business" which provides the employer with the ability to monitor employee communications to ensure legitimate business objectives. The third exceptions would be the " course of business" which would be the monitoring of an employee if they are accused of doing something that is not part of business needs. It also limits the employer to being able to monitor the employee once they find that it is of personal nature and not business. Even though there are exceptions to the rules employers still need to stay in the law. According to the Restatement (Second) of Torts 652 it defines invasion of privacy as: "...intentionally

intruding, physically or otherwise, upon the solitude or seclusion of another..., if the intrusion would be highly offensive to a reasonable person.” (Communications of the ACM. Aug2006, Vol. 49 Issue 8, p73-77.)

If one is able to prove that an employer is being intentionally intruding or that is highly offensive when invading in their privacy than the employer is being ethical as well as not abiding the law. Overall it is best that the employer not intrude in ones privacy unless they can show that the employee is not being ethical in business. Both parties need to be ethical to each other and learn to manage their boundaries and not take each other for granted. Abiding the laws that are in place and being more trusting in the employees can help the company have less of a monitoring system in place for their employees and keep them from invading their privacy when it is not needed.

References:

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