

## Are Your Employees Violating the Law?

Today's companies have their hands full trying to police employees so they don't visit non-business Web sites or send offensive e-mails. Now, there's a new legal worry: ensuring that your employees don't download or store material in violation of federal copyright laws.

The issue came to light after a secretary at an Illinois university was fired for stockpiling nearly 2,000 music files, or MP3s, on her office computer. Storing the files violated the university's policy of prohibiting personal use of its equipment. Computer technicians discovered the music collection after the secretary's computer froze.

But legal experts say the storage of such files brings up a larger problem: You could face potential liability for not prohibiting employees from downloading and keeping copyrighted material that may have been pirated.



In another case in 2002, the Recording Industry Association of America settled with an Arizona technology consulting firm for \$1 million after the employees were allegedly allowed to trade copyrighted MP3 files over a dedicated server. The RIAA says it will crack down on other companies that permit staff members to do the same thing.

### Here are four tips to protect your business:



**Write your policy down.** Clearly spell out what is banned. Include the policy in your employee manual and distribute a copy to all employees. It's a good idea to have staff members sign an agreement acknowledging that they understand the rules. Get professional help drafting your policy to ensure you meet all legal requirements. Having a well-known policy can alleviate some of the resentment your staff might feel about being monitored. Make sure employees realize that what they do on company equipment is not private and that hitting the "delete" button does not mean that data is erased.



**Include a clause about copyrights.** Ban the unauthorized download, storage and distribution of copyrighted material.



**Install monitoring software.** Many companies install programs on their networks that keep an electronic eye on employees. There are many to choose from. Some, like *WebSense*, block access to pornographic, entertainment and other sites. Others, like *GameWarden*, monitor and stop game playing. *MIMESweeper* scans ingoing and outgoing e-mails and blocks access to unauthorized URLs. And programs like *SilentRunner* protect a company's trade secrets from being transferred by inside snitches.



**Review your policy regularly.** Much of the attention in online abuse so far has focused on employees viewing pornography, playing games and forwarding explicit jokes via e-mail. But the legal issues are evolving and the three-sentence policy you instituted a few years ago may no longer work.