

Will Facemail be a Fiasco for Inhouse Counsel?

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The Preservation of Messages Could be Problematic for Company Retention Policies



[Facebook](#) founder Mark Zuckerberg has unveiled, what he calls, a "modern messaging system" that will be so big, it will replace e-mail altogether.

It's called **Facemail** - and it will have three components: **seamless messaging, a social inbox, and conversation history**. All you have to do is decide how you want to talk to your friends - via SMS text, chat, or messages - and Facemail will give you the platform. Facemail will even cluster messages by sender instead of by the traditional e-mail concept of using a subject line.

But here's the rub.

Facebook says it will preserve these messages - text, chat, messages - forever. And, THAT could be very problematic for employers and inhouse counsel which have their own retention policies in place.

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"It's definitely a problem in that it means these e-mails will be outside the boundaries of their retention policy," said Rudy Rouhana, an attorney and director of product marketing at Daegis, a provider of eDiscovery services. "So, if they typically delete e-mail every 90 days, 2 years, etc., they will be unable to enforce that on e-mails created in this system," he said.

Furthermore, for years companies have looked at Facebook as being just a social networking site. In fact, social networking blocks are in place throughout many company offices. But now, with Facebook's new capabilities - like Facemail - the site is much more than a social connector, it's an IM and e-mail provider too. Companies are looking at the site in a whole different light - and that's a tough pill to swallow. For instance, companies that already have policies in place for handling outside e-mail and chat providers now have to ask their inhouse counsel to develop new policies that categorize Facebook with the rest of those services.

Be it as it may, no one is suggesting that companies should begin replacing their e-mail systems with Facebook anytime soon.

E-mail isn't dead - yet. But look out! Inhouse counsel could have big jobs on their hands when the corporate communication culture finally does make that shift to Facebook.

Adapted from article [Is Facebook Going to Drive General Counsel Insane?](#) by Shannon Green.

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