



## North Carolina Law Life

### If You Want Privacy At Work, Don't Use Employer's Technology

**By: Donna Ray Chmura. *This was posted Friday, June 18th, 2010***

I recently advised an employee who wanted to start setting up a potentially competing new business before leaving his current job. There were some provisions of his employment contract that applied to the situation. I told him what the letter of the agreement said, and how I thought his employer would interpret it.

"How do I get around it?" he wanted to know.

Along with a lot of other advice regarding not using his current employer's trade secrets, I told him under no circumstances should he do any outside work during company time, and further, he should not make any new-business calls on his company-provided cell phone or even check Gmail or Yahoo or Hotmail accounts via a company-provided computer, laptop or smartphone. He didn't want to do anything that would show up on his employer's radar.

He thought I was being paranoid. Yet, the US Supreme Court ruled yesterday in *City of Ontario v. Quon*, 08-1332, that it was reasonable in this particular case for a government employer to search the texts on a police-officer's government-issued pager without violating the employee's privacy rights.

The specific facts are [here](#) or [here](#).

The lesson for employees is that you should not expect privacy on work-issued computers, pagers, smartphones or other devices. The lesson for employers is to have a social media policy and follow it.

If you need assistance with a social media policy, please contact our [employment attorneys](#).

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