

Employer Access of Employee's Personal Email Account May Give Rise to Liability

MARCH 5, 2012

In a recent decision from Massachusetts, a principal and teacher who were employed at the same middle school – and had a romantic relationship – were allowed to continue with their invasion of privacy claim against the town and other school employees. After personal and professional disputes between the principal and superintendent of the school district arose, the superintendent began monitoring the principal's school email account, with the help of other school employees. Evidence of a romantic relationship between the principal and teacher was found in emails on the school account, as well as a user name and password for the principal's personal email account. The superintendent and other employees accessed the principal's personal email account using these credentials, where they found more explicit evidence of a relationship. The superintendent terminated both the principal and teacher. Later, a member of the school committee released both the school and personal emails to the press. The district court found that the teacher and principal did not have any privacy interest in the emails on the school account, and dismissed all claims relating to those emails. However, the district court found that there could be a privacy interest in the personal emails, and allowed the invasion of privacy case to go forward based on claims relating to those emails.

Tip: Employers should not access the personal email accounts of employees without permission, even when the username and password information to those accounts is accessible to the employer. Although employees generally have no expectation of privacy in work emails, there may be a higher expectation of privacy in personal emails.

1 Min Read

Related Topics

[Consumer Privacy](#)

[Online Privacy](#)

Related Capabilities

[Privacy & Data Security](#)

This entry has been created for information and planning purposes. It is not intended to be, nor should it be substituted for, legal advice, which turns on specific facts.