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Karen Dowling  
*Arizona State University*

Robert Otondo  
*Arizona State University*

Andrew Philippakis  
*Arizona State University*

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# **Individual Rights to Privacy and Corporate E-mail**

## **Karen Dowling, Robert Otondo, and Andrew Philippakis**

School of Accountancy and Information Management, Arizona State University

### **Abstract**

E-mail continues to gain popularity as a medium for business communication. Despite considerable attention recently in the popular press, attitudes and behaviors toward e-mail privacy remain adamantly inconsistent with current organizational policies and legal positions (Behar, 1997). In the U.S., employers have the legal right to read messages sent or received by their employees over company equipment. Employees, however, feel that e-mail should be private. An experiment is conducted to further explore user attitudes toward e-mail privacy and conditions under which organizations should be allowed to monitor employee e-mail.

### **Introduction**

As more communication, and in particular, business communication, is being conducted electronically, organizations are faced with a dilemma: how can they effectively safeguard the informational assets of the organization and still respect the sense of privacy that employees feel their e-mail messages should have? In the United States, ownership of networks and computers gives employers legal right to read any communication conducted over those mediums, and even to fire employees for the content of those messages (Brown, 1997). Despite this position, employees continue to behave as though privacy was guaranteed. An experiment is conducted in which MBA students are asked to develop recommendations for a corporate e-mail privacy policy. Results suggest that even when users understand the legal position, their attitudes still are strongly oriented toward the pro-privacy position.

### **Literature Review**

Americans hold strongly felt beliefs about their personal rights (Moyers, 1989), including the right to privacy. This is severely at odds with the rulings of several recent court cases involving employees being fired for comments made in e-mail messages (e.g., Brown, 1997; Shieh and Ballard, 1994). The issue of e-mail privacy has received considerable coverage in the popular press recently (including a spot on 60 Minutes) highlighting this conflict between employees' perceptions and corporate positions. But still employees remain convinced that their rights to privacy will prevail.

Safeguarding information assets, supervising quality of employee service conducted electronically, or filling in for absent employees are just three of the many reasons organizations have for monitoring e-mail messages. To maintain positive employer/employee relations and preserve a sense of mutual trust, organizations are strongly recommended to establish corporate e-mail policies and to make those policies known to their employees (Cappel, 1993). Yet, corporations have been very lax about establishing their own policies and in disseminating that information among employees. Recently it was estimated that less than 10% of U.S. companies had an e-mail privacy policy (Fryer and Furger, 1993).

### **Methodology**

Ninety-one MBA students were asked to generate recommendations for a corporate e-mail policy for a fictitious company. The subjects (55 males and 34 females) were given a short case detailing the current legal situation which includes allowing employers to fire employees for comments made to others in e-mail messages and some reasons for corporate monitoring of e-mail. Subjects were discouraged from selecting an extreme policy position (i.e., either stating no e-mail messages should ever be read or that all e-mail messages would be subject to review). The case stated that the organization had as its goals the preservation of positive employee relations (including a comfortable work environment that demonstrates the trust the organization has in its employees) while yet retaining its rights to monitor and control one of its resources, i.e., e-mail communication. This position was inserted after a pilot study had found subjects overwhelming holding the position that the company should not ever be allowed to monitor e-mail.

Subjects communicated electronically with their groups and had total anonymity. Participation in the experiment was voluntary and they received course credit equivalent to one case report. The topic also fit with a module in the class they were taking.

To evaluate attitudes toward e-mail privacy we examined the individuals' comments and categorized them based on justifications for corporate monitoring of e-mail. Persons with little e-mail or work experience might be expected to have a less informed view of e-mail privacy, i.e., might be expected to feel personal rights superseded any corporate rights to monitor e-mail. Similar to novice versus expert knowledge schemas, it was expected that more experienced technology users would have a greater understanding of the corporate needs and rights to control the organization's resources, including e-mail. Therefore information was gathered on subjects' length of work experience, experience with e-mail, word processing, and spreadsheets, as well as basic demographic information such as gender and undergraduate major.

### Results

Research into novice and expert knowledge schemas (for a review of work in this area see Walsh, 1995) suggests that differences in these schemas might engender differences in the number or variability of an individual's justifications for reading e-mail. A subset of the data from the experiment was analyzed (all of the data analysis was not completed in time for this submission) in an hypothesis-generating methodology. Responses were clustered into groups of similar justifications (Gettys et al., 1987). The following clusters were identified: 1) evidence of wrong-doing; 2) suspicions of wrong-doing; 3) potential for wrong-doing; 4) time-based justification; 5) internal business requirements; 6) external business requirements; and 7) miscellaneous or unclear justifications. Relationships between these clusters and the variables of gender, major, work experience, as well as experience with spreadsheets, e-mail, and word processing software were initially examined using Pearson Correlation (see Table 1). The only correlation found to be statistically significant was the relationship between justification and experience with word processing software ( $p = 0.0094$ ).

Variable	<i>p</i> Value
Gender	0.7380
Undergraduate Major	0.6345
Work Experience	0.4808
Spreadsheet Experience	0.2344
E-mail Experience	0.1951
Word Processing Experience	0.0094

Table 1. *p* Values for Pearson Correlation between Variables and Categories of Justifications for Reading E-Mail

### Discussion

The lack of significance in relationships other than experience with word processing is puzzling given the expectation that those with greater work and other computer (i.e., spreadsheets and e-mail) experience should propose more and more varied justifications. However, our initial statistical analysis grouped individuals by similar experience level as the unit of observation. Further analysis of the data based on the individual as the unit of observation is required to more accurately track the variability of an individual's justifications to work experience and software experience. Such research is important for two reasons. First, it addresses theoretical concerns about the relationship between knowledge structure complexity and use. Second, the research addresses important concerns that the depth and richness of current e-mail legislation is inadequate to meet the socio-political needs and expectations of our business population.

Despite stressing in the case the legal position, subjects persisted in their beliefs that e-mail should be private. Three of the justification categories are associated with wrong-doing. These relate to criminal activities and so are subject to the same type of monitoring that any suspected criminal activity allows (e.g., wire tapes of phones, etc.). The categories of internal or external business needs usually contained examples of situations that posed a threat to the business: e.g., if an employee is in an accident and will be away from work for an extended period of time, then the company could read that employee's e-mail if it was necessary to continue service to a customer. Again, these ideas reveal an underlying attitude that the messages belonged to the employee and not to the organization.

Organizations should try to avoid costly litigation brought on by unhappy employees by creating and publicizing policies on e-mail. Yet, even when corporations do have that, employees often overlook these policies. An example was the subjects in this study, as students, were themselves required to assent to a statement of proper usage of e-mail and acknowledge that their messages would not be private when receiving their computer accounts. Yet most indicated surprise that the right to read e-mail messages included those sent on university accounts - and they disagreed vehemently with the university having that right! Additional methods of informing employees about e-mail policies must be implemented and perhaps employees need to be reminded periodically of these policies.

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