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Think Twice Before Sending an Email at Work

(NBC) Starting Friday, U.S. companies are required by law to store and save all employee emails, instant messages and other electronic documents. The Supreme Court ruled companies must keep this as possible evidence to present in court if necessary. But the new changes may also make employees think twice before sending a message. If you say it, write it, or type it, using computers and electronic devices on the job, expect your employer to save it and store it. New federal electronic discovery rules set by the Supreme Court now require U.S. companies to keep track and back up all electronic documents in case it is needed for litigation cases.

Mark Rasch of Solutionary Security Systems said, "The contents of your communications, the location you're at, your email, your blackberry, your pager, your thumb drive, your ipod, all will be discoverable." This is all relevant digital information that could serve as evidence if a company is sued, like in the case of Enron. Employees were accused of shredding paper documents. Large companies must now be able to retrieve electronic documents that could provide a trail in court. Vasant Dhar, Information Systems, NYU, said, "...And it's possible to take that data trail and put together a complete map of exactly where you were, when, what you were doing." For companies tracking digital files and photos on removable memory cards and cell phones will be the biggest challenge.

Data experts say the new rules will also change the way people communicate. "People will become a lot more careful about the kinds of information they transmit electronically and they will look for other forms of anonymous communication," said Dhar. Otherwise, the words at work you think won't be seen by others could come back to haunt you someday. Experts say it will be up to the judges to decide what stored information may be relevant to a case, and the changes do not clarify if personal electronic devices used for work might be subject to the same rules.