

Businesses can learn from Clinton's email controversy

By Holly Culhane, Contributing Columnist



Former Secretary of State Hillary Clinton may have hoped to quell an email controversy with her March 10 press conference. But her revelations about her use of a private email server to send and receive government communications seem to have fueled even more criticism.

Her revelations should be a wake-up call for business owners and managers to examine and strengthen their companies' email and computer policies, particularly as they apply to BYOD, or the increasingly popular bring-your-own-device-to-work trend.

Hillary Clinton contends it was more convenient to use a non-government email account and private server for both her government and private communications. Under pressure, she recently released thousands of pages of government-related emails to the State Department. But she says she does not intend to disclose the private ones.

Clinton is not the first, nor is she the only government official to use a private email address and device to shield government communications from public disclosure. And others have simply abstained to avoid scrutiny.

Consider the 2009 exchange between former Treasury Secretary Henry Paulson and California Rep. Jackie Speier in the wake of the financial crisis. Being questioned by a congressional committee, Paulson contended he did not use email to conduct Treasury Department business.

"How did you communicate with people?" a stunned Speier asked.

"Telephone," Paulson responded.

Paulson was correct. In many cases, it may be best to communicate sensitive information by telephone or in face-to-face exchanges. Avoid using email, altogether. Whether sensitive emails float around government or business systems, they are likely to be discovered – often as a result of public records requests, or during the course of litigation.

But as email becomes increasingly commonplace, people are taking the convenience and risks for granted. Hillary Clinton now says in light of the controversy, she would have done things differently. It may be time for business owners and managers to do things differently, as well, and learn from her mistakes.

Company email policies should address a wide range of topics, including etiquette, appropriate language, response requirements and retention protocols. They also should include explanations of how and when an employee's use of company email and computer systems will be monitored.

But a gray area in many companies' policies involves the use of employee personal devices. Under what circumstances are these devices allowed? Should they be monitored? Who controls the data exchanges? Is a company's information system being protected?

The answers to these questions depend on the nature of the business. Companies should consult with human resources and technology specialists, as well as attorneys to develop BYOD policies.

At a minimum, policies should:

--Require all company business be conducted through the company's email system. Mobile devices generally allow the use of multiple email accounts. Simply send and respond to all business-related matters using the company email address.

--Clarify that the company owns the company email account and all of the data conveyed over the account. Private communication should be conducted through another email account.

--When an employee leaves the company, access to the company email account should be terminated. The employee should not be the one to determine what information is turned over to the company.

--Require all employees – from the top executives to the line employees – to follow the same policies.

While the connectivity of smart phones, tablets and various other gadgets is blurring the line between our work and private lives, it must not blur the line between our private and business communications.

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