Invasion of Privacy Through Internet Monitoring

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"We have an environment in which we're collecting more and more information on the personal lives of Americans, and our laws are completely inadequate to protect us. " – Leslie Harris, executive director of the Center for Democracy & Technology

Introduction

An electronic communications network that connects computer networks and organizational computer facilities around the world, the Internet has led to significant changes within our society. An infinite amount of information can be easily obtained and through the development of technology, has become more accessible. The introduction of the Internet into our daily activities has transitioned our society into a technology dependent era. The Internet has become an increasingly popular source for gathering information and a frequent form of communication. Privacy focuses on the control over information about oneself, and is argued vital for human dignity and intimacy. The Internet increased the availability of personal information that can be tracked, recorded, and accessed. The personal invasion of privacy due to Internet monitoring has become more of an ethical concern and looking at aspects from the business world we can better determine how the evolution of the Internet has shaped our lives.

Thesis

The issue of privacy and one’s right to privacy while at work or on the Internet has become increasingly an important issue companies deal with everyday. Companies have to spend time and money to write policies to cover these issues to protect themselves as well as the well being of their employees. They need to monitor their employees to ensure productivity and to make sure they are not doing anything illegal at work that could hurt the company. How far these companies can go to protect these things is what makes such an interesting issue. A person has a right to privacy and what they do on their break or outside of the office should be their business, but more and more companies are tapping into this to monitor them. A company can only go as far as to monitor them while they are working or doing work related activities anything outside of this realm in their private lives and emails should not be exploited.

Utilitarianism

Ethics has become a major concern within our society, especially within the business world. It is important to conduct business in an appropriate manner, monitoring productivity, and profit, while maintaining employee satisfaction. There are two fundamental ideas that underlie utilitarianism; first, that the results of our actions are the key to their moral evaluation, and second, that the one should assess and compare those results in terms of the happiness or unhappiness they cause “or, more broadly, in terms of their impact on people’s wellbeing.” It is important to install morals into all aspects of business, including competitors, customers and employees. It is important to keep a sense of well being in order to provide a trustworthy service.
Utilitarianism’s guiding impulse is simple and transparent, and many people have found it attractive: human well-being or happiness is what really matters and, accordingly the promotion of well being is what morality is, or ought to be, all about. From a utilitarian perspective employees should be provided with a well being that satisfies each one’s personal goals.

Privacy

The right of privacy has become a controversial issue. While there is no fundamental law or amendment that states one’s right to privacy; however it has been implied by the Supreme Court in the United States Amendments and is considered ethically correct in our society.

There is no specific law that governs ones’ right to privacy and this has resulted in a fine line between what is deemed acceptable and what information can be revealed to the public. This has resulted in various court cases in which citizens have tried to determine their own right to privacy.

There have been numerous cases over the past century where the Supreme Court has had to determine whether a citizen’s privacy rights have been violated. This dates back to May 25, 1891 in the Union Pacific Railway Co. v. Botsfold, where it was decided that the plaintiff did not have to submit to physical examination as ‘no right is held more sacred, or is more carefully guarded, by the common law, than the right of every individual to the possession and control of his own person, free from all restraint or interference of others’.

The Evolution of the Internet in the Workplace

The evolution of the Internet has shaped the way that companies conduct business. This has led to a dramatic change within the workplace and the responsibilities of employees. It is an employer’s responsibility to monitor employees and assess the quality and quantity of work that is being achieved. In the past, employers have done this by monitoring punch cards, productivity reports, profits and consumer satisfaction. The increase in technology and development of computers and the Internet has changed the security and supervision of daily business activities.

Companies have a variety of reasons to maintain surveillance within the workplace. There are concerns for employee’s well being, competitors’ obstruction, and the productivity and profits of the business. These concerns are all relevant; however, the use of technology has made it easier for employers to snoop on their employees.

Employers have the ability to intercept electronic communication and access the information that has been stored on the company’s computers. The easy access that employers have to this information raises the question of whether employers can ethically monitor employees. It has become Employees are expected to conduct business productively and to complete their job under the expectations that they were hired for. The Internet has made it easier for employees to be distracted from their tasks. Personal emailing and browsing the Internet has become a major concern within corporations, leading to the increase in electronic monitoring.

Right of Employers to Keep Work Place Efficient

Employers use electronic monitoring for two basic functions: providing feedback and implementing control. Providing feedback is an essential aspect in conducting business. Employees are monitored in order to provide performance-related feedback and suggestions for improvement, such as with recording a receptionist’s typing speed or accuracy of data entry clerks. This form of monitoring is understandable and an efficient way to conduct business. The type of monitoring that implements control is more harming to the business environment and calls into question the ethics of the company. The competitiveness of industries in today’s business society has led to an increase in security and the need to monitor efficiency within the
workplace. This has increased the level of acceptance of employee monitoring, especially through electronic measures. The increase of use of the Internet and its ease, has led to a dependency of many businesses using this form of communication for all their business transactions. The security that each business requires, also involves the monitoring of their employees online activity in order to ensure there are no security breaches. This form of monitoring is vital in order to maintain the success of the business; however there is a fine line between monitoring electronic activity for the security of the business and monitoring to spy on employees.

**Right of Employees Privacy**

It is customary for every business to install a code of ethics, setting the standards for employee behavior, standard of practice and it can also be used as a benchmark of evaluation. "The need for special ethical principles in a scientific society is the same as the need for ethical principles in society as a whole. They are mutually beneficial. They help make our relationships mutually pleasant and productive. A professional society is a voluntary, cooperative organization, and those who must conform to its rules are also those who benefit from the conformity of others. Each has a stake in maintaining general compliance." It is important for both employers and employees to follow these ethical guidelines. Employers create codes in order to provide standards to which employees should obey; however employers also have to maintain an ethical stance, ensuring the well being and utilitarian rights of their employees.

Employees are often unaware of the control that their supervisors have and the intrusion that this can have on their personal life. In the historic case Smyth vs. The Pillsbury Company, Smyth sent inappropriate emails from his home computer to the Pillsbury system. At a later date the company intercepted these email messages and terminated Smyth’s employment based upon their content. There had been a prior promise of confidentiality within the company; however, this did not protect Smyth’s rights to privacy.

Employees should be able to work in a trusting environment where they are respected. The Fourth Amendment states the public has the constitutional right to privacy. This is a fundamental right that is upheld within the United States; however, the increase in technology and the ability to observe others has weakened this imperative right. “The computer’s eye is unblinking and ever present. Sophisticated software allows every minute of every day to be recorded and evaluated”.

The introduction of the Internet to the workplace has made it easier for employers to observe what employees are doing at every moment. It is an employee’s utilitarian ethical right to receive privacy and to be treated in a manner that will result in happiness for the entire staff. They have the ethical right to dutiful respect and the right of common good, which contributes most to the achievement of quality of life. It is under these ethics that employees should be made aware of the surveillance within their workplace and the duties that are expected of them.

**Right of Employers to Keep the Workplace Safe**

The Internet has led to an increase in pornography, racist jokes, and inappropriate forms of electronic communication. The government has condoned the use of electronic monitoring to ensure the safety of employees and uphold civil rights. Under Title VII of the Civil Rights Act, an employer’s inefficient monitoring of the Internet and email use and abuse may allow racial offensive or sexually explicit material to pervade the work environment and create or contribute to a hostile environment. Employers are expected to monitor their employee’s activities online to ensure civil rights are not violated and that employees receive the fundamental rights they are entitled to. This has been an effective form of detection within the workplace. In Strauss vs.
Microsoft Corporation, the court held that among other remarks several jokes and parodies of a sexual nature emailed by a supervisor to employees were administered and relevant evidence of sexual harassment. The government has approved online regulation however no standards have been introduced that respect the well being of the employees or considers the effects that these actions cause. The ethical values of employees have been discarded.

**Government Regulation**

Employers have become increasingly more considered with surveillance within the workplace and this has been directly affected by changes occurring in our society and Government intervention. When the Internet first came widely available to anyone who had a computer and a dial up connection, anything could be written about or looked at on the Internet with out any repercussions. The government was not interested with what people were discussing on the net because it was like an open forum for people to talk to others around the world. Now with terrorist threats and military uprisings being a major concern, many countries across the world, Governments are stepping up their policies regarding the Internet.

The U.S. Justice Department has been working hard with Internet companies to make it easier for investigators to check citizens’ web traffic. The U.S. Government wants Internet service providers to virtually keep records of every website their customers go to, so that they can obtain this information easily.

But some see it as another step toward total surveillance of citizens, joining warrant less wiretapping, secret scrutiny of library records and unfettered access to e-mail as another power that could be abused. Many activists’ of free speech and privacy have been quoted as saying, “We have an environment in which we’re collecting more and more information on the personal lives of Americans, and our laws are completely inadequate to protect us.” In a follow up response to accusations that these new laws will hinder our free speech and privacy rights, U.S. Attorney General Alberto Gonzales was quoted as saying; “Privacy rights must always be accommodated and protected as we conduct our investigations.” Going on to say that information they are asking Internet service providers to keep track of would be essential to investigating future crimes committed on the Internet.

This hardly seems ethical if anything you do on the Internet is being tracked and used against you. It’s an immense invasion of our privacy if we cannot look at a website or send an email without someone else determining whether you are trying to harbor a crime or not. Not only does this look like an immense invasion of our privacy but also with this new advanced technology not all the kinks have been worked out. “Recently the Electronic Privacy Information Center fought with the Justice Department and FBI on a new program they implemented called Carnivore or DSC 1000. It was found by the EPIC that the program was too hard to control because of how advanced it was and even messed up a terrorist investigation by collecting non-targeted email.” The program ended up throwing out emails from a target in the investigation, which contained helpful information. Despite uncovering this, it is believed that Internet monitoring will increase especially with Bush’s new antiterrorism and security policies.

If the new technology is deemed to have imperfections how can they continue to use it, if there is already evidence that it interrupted an ongoing investigation? It seems like Governments are going to continue to write bills that cause for the increase in Internet monitoring, but evidence shows it does not always seem to work. We will in the future probably see that it will become increasingly easier for governments track us to the point we know what site we are on at that very moment and how long will have been there and what sorts of things we have looked at.
We do not believe this is ethical because the Government is crossing the line and interrupting our right to privacy.

CONCLUSION

The advancement of the Internet has led to changes within our society and specifically within the business environment. Where anything done at work or that is considered to be work related can be tracked back to us to the exact day and time we did it. The laws concerning Internet monitoring, privacy and human well being do not provide specific regulations that a business should follow. Each business has their own set of policies and rules that address this topic. This raises controversial issues and businesses are expected to determine the extent to which they can monitor their employees without creating unhappiness in the workplace. If employers’ actions are deemed ethically unacceptable to their employees, it will create a sense of discontentment and decrease productivity, which contradicts the purpose of electronic monitoring. It will cause employees to constantly look over their shoulders instead of concentrating on their work. Having a negative effect on the employees’ well being they will not be excited about work and start to be unproductive because they will not feel trusted.

The changes within our Government have become a large influence within our society, influencing the increase of electronic monitoring within the business world. The demand for an increase in surveillance has been created by the need for a sense of public safety and to emulate the concerns the Government has of the Internet. With Governments heavily stepping up their monitoring of the Internet, businesses feel like they need to do the same to stay align with them. With no real set rules on Internet monitoring though it is hard to keep things consistent through which causes citizens unrest. They do not know what is and is not monitoring making them feel their ethical right to privacy is being taken away.

Recommendations

There are several regulations that should be implemented to ensure our privacy is not disturbed by Internet monitoring. Employees should be made aware of the extent to which they are observed while at work. Notified of how often they are going to be monitored whether it is the entire time they are at work or just periodically through the day. If they get laptops for work that they take home are those under subject to be reviewed to see what employees are doing on them. If they are allowed to search the Internet at work for things while on break or throughout the day, they should be told explicitly how much time they are allowed to do that. This way an employer can not come back at an employee for “wasting time” on the Internet. They should be informed on what actions constitute them to be reprimanded and what is considered to be unproductive. The rules need to be clear cut, so that employees know exactly what they are monitored on. This way it will be easily understood what is appropriate to do at work and if they get monitored and reprimanded they do not have anyone to blame but themselves. Also it will help preserve their well being as well as make them feel safer at work which will lead to high productivity. If they do not feel like someone is looking over their shoulders at all times, they will be happier to come into work and feel good about doing it. In addition, Governments should have to establish consistent rules and regulations in order to create a standard for electronic surveillance. It’s a two way street, were citizens want to trust their Government to protect their well being and the Government should have some trust in their citizens. Government policies should be enacted to protect the rights of citizens in order to set up ethical boundaries by which we should be monitored. This will form ethical boundaries to be upheld with concern to the extent in which we are monitored through Internet. We need Internet monitoring with the constant threats of terror, but we can not allow this to bring down our ethical rights to privacy.
We cannot jeopardize our ethical boundaries because it will never stop and these extremely strict policies will erode the privacy we have in this country. Consistent and fair rules need to be enacted and policies need to be made for monitoring that protect our well being as citizens as well as our safety.

**Work Cited**


8. Why have a code of Ethics?


