

Sexual spam could spark lawsuits.

Latest estimates suggests that around 15 - 20% of all email received by UK companies is unsolicited commercial e-mail (UCE) more commonly referred to as Spam and, rather worryingly, this figure is expected to rise to 60% by 2007. Whilst at best Spam is considered an irritating inconvenience, at worst it poses serious legal risks to businesses, wastes valuable resources and reduces productivity. Of the 12.4 billion spam emails sent daily, 20% now contain inappropriate or pornographic content.

Recent rulings now suggest that the presence of such emails on a company's network leave the company open to charges of creating a 'hostile working environment', and all the associated liabilities that implies. Some firms are already fighting legal claims, from employees, that have focused on the anxiety, emotional or mental distress caused by inappropriate words and pictures being found at the workplace.

Ignoring the significant risks posed by such email can result in either direct or indirect liability for failure to exercise reasonable business judgement in addressing the problem. Currently, receipt of such email is not considered an offence in itself, but once the issue has been raised, failure to act upon it leaves the directors of a company very exposed to claims of negligence.

Proving a director had been neglectful in this area would involve showing that he/she had not acted as they should or could have. There is a direct correlation between the ease of preventing a situation arising and the ease in which legal recourse can be taken. In the case of preventing inappropriate spam reaching



employees, the ready availability of security software such as NetIntelligence's Email and Anti Spam filter has made the threshold of neglect significantly lower.

There are four main actions that company directors can undertake to reduce liability:

- o **Implement an appropriate email and acceptable use policy and communicate it**
- o **Cultivate greater awareness/understanding in employees**
- o **Deploy products such as NetIntelligence to filter email for spam & for enforcing policies**
- o **Take ownership for the risks associated with internet connectivity at board level, and do not view them simply as an IT issue**

NetIntelligence filters and removes spam, both general and pornographic, before it reaches the company's network - thereby reducing the risks of liability and the very real bottom line costs associated with managing unwanted e-mail. A recent NetIntelligence case study suggested

that one company, with just 32 mailboxes, received half a million unwanted e-mails per annum which, when downloaded over the period, accounted for over 16 days of constant use of their 512K Internet Connection. In short the company was actually paying for people to Spam them!

Sexual spam is just one of the many risks associated with company email usage, which need to be addressed by directors. Companies can now find themselves held financially and legally responsible for the damage caused by the distribution of malicious code or viruses, for the protection of company data, the storage of explicit materials on company computers and for the actions of their employees using email. It is imperative that in today's increasingly litigious business environment, Directors must be as aware of the risks of computer related liabilities as they are of failure to file the annual accounts or complete their VAT returns.

For further details:
Netintelligence. www.netintelligence.com
or email: info@netintelligence.com.
Tel: 44 (0) 870 050 0121