

[NJ Supreme Court Ruling Has Implications for Companies' Social Media Policies](#)

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At the end of March 2010, the New Jersey Supreme Court handed down a decision that is certain to have significant implications in social media policy circles.

In [Stengart v Loving Care Agency](#), Plaintiff Stengart, in anticipation of a lawsuit against her employer, Loving Care Agency, **sent several email communications to her lawyer from her company-provided laptop, over the company's Internet server but via her personal Yahoo email account. She did not store her password on the Laptop.**



Points to note from this case for social media policy makers within companies – and for users:

- When companies allow reasonable personal use of company-issued systems, absent specific policies to the contrary, employees have a reasonable expectation of privacy to the content and communications they access/contribute via personal, password protected sites (ie personal email)
- This may (and seems logically to) extend beyond email to social networking sites like Facebook, Martindale Connected and Twitter
- That Stengart did not store her password on the computer itself was cited several times as a factor in her reasonable expectation of privacy – which begs the question – if we let our work-issued computers “remember” our passwords (via stored cookies presumably), are we forfeiting our reasonable expectation to privacy to those sites?

- Finally, explicit policies notwithstanding, the court was clearly stating that public policy, such as the attorney-client privilege, cannot be waived by well-crafted policies, and therefore there are certain expectations of privacy that employees have on company-issued computers even if the policy states there are none.

Read John Lipsey of Martindale.com's full article: [NJ Supreme Court Ruling Has Implications for Companies' Social Media Policies](#)

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Kara works with legal marketers to create a more clearly defined focus and distinctive business strategy that will provide them with a competitive advantage for new business, higher reputation recognition, and enhance their ability to attract, win, and retain the clients they really want.

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