

Subject of Business Ethics

**E-Mail and internet usage at work - Big  
Brother is watching you!**

**SS 2009**

**Case Study**

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# 1 Executive Summary

*Martin Wörz<sup>1</sup>*

This could be like any other case study which consists of arguments to work out a basis for some decisions. Or this case study could be more than a claim of leading business sustainably and responsibly.

## 1.1 The history

So far, about nearly 16 years ago nobody could imagine how strong the internet will widespread. Even the idea of the concept of the world wide web couldn't really understand someone by publishing it. The internet has increased from a information platform to a attendee involving network. Everybody must be in it. Besides the internet the technology of E-Mail and newsgroups became also very important for everyone.<sup>2</sup>

This technologies were first used by scientific issues, later on it was used by everyone. The strict barriers between the dedicated business or private communications disappears when the idea of online-shopping, extension of working hours and occupying freelancer occurs.

Today, this communication network has been become an really important channel where every fifth person in the whole wide world is publishing private own information or read online news.<sup>3</sup>

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2 Borchers, 2008

3 BITKOM, 2008

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## 1.2 The situation

Within breaking down the strict boundaries between business and private communication in the last year it became a really big problem in companies to be profitable. The loss of manpower while employees began using the internet at work for private matters the companies were forced to react.<sup>4</sup>

As often happens things have been carried too far. On both sides, the employers and the employees side. It should be clear when the hit count of 408,000,000 results for 'email abuse at work' in 0.58 seconds on google.com and 247,000,000 results in 0.32 seconds on yahoo.com is increasing.<sup>5</sup> This topic is definitely in some discussions.

The fact that it comes to death when an employee recognises that the company which was for long year a trustworthy part of this employees live, is a spy which knows everything about their employees isn't a topic were people should branch off.

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4 Matten 2007: 282

5 Google 2009

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## 2 Assumptions and Scope

But why it has come so far in this study there are numerated some assumption why. There are several points of view which should be observed to have the right imagination of the real issue. In general there are two views. The employers view second the employees view. This study carries on with these assumptions:

- Employees are taking advantage of the possibility of private usage of internet at work
- Companies are surveilling employees in an inappropriate way and spying them more than they are allowed to, at law and also ethical
- Companies aren't communicating effectively their habits and rules of their IT-security concept by having
  - non well-engineered concept
  - bad educated, ignorant computer officers
  - sloppiness about data privacy and security

On the other hand companies are also forced by law, governance and consentment to introduce an effective security system into their informatic network to protect business processes, secrets of the trade and also the employees in data privacy.

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### **3 Major issues**

The strategy of concerning all points of view and to work out these issues in a comprehensive way, there are set up three questions:

1. What is about data privacy allowed in corporations ethically also by law?
2. Which degree of surveillance is sustainable for employers and also employees?
3. Who is controlling what the companies know about their employees and what they are allowed to do with this information?

### **4 Objectives**

The approach of this study should figure out the golden path of doing the right surveillance by

- protecting the employees about data abuse
- maximising the working times by enabling private usage of internet
- reduce the costs of surveillance
- increase the freedom of all stakeholders in a business or institution
- cause fairness to all dependents

in a best way with the newest technologies and perception.

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## 5 Analysis

This part will analyse the core of business surveillance. It is spread into three views. Reality – how is it, the side of law – how it is allowed, third the ethical way – how it could be.

### 5.1.1 Reality

To begin at those who started with the need of surveillance, the side of the employees will be analysed:

Analysis about „private usage of at work“ within the scope of the traditional Ethics Theories<sup>6</sup>

<b>Ethics of duties (Kant)</b>	<b>Egoism (A. Smith)</b>	<b>Utilitarianism (Bentham, Mill)</b>
Consistency: If everybody would spend two hours of each day using the internet for personal reasons – the companies have to counteract that they regain lost time.  Human Dignity:  Universality: „The majority do“ it already – private usage is not a problem – unless it is used to access „pornographic and gambling sites to playing games and instant messaging friends and co-workers“ and wasting	Not only the employers are at a fault: „the average employee spends between one and two hours each day using the Internet for personal reasons“ <sup>8</sup>	But „not every person has access to the Internet at work, the majority do“ which could mean that most of the employees are satisfied – besides employer <sup>9</sup>

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6 Matten, A. C. (2007). business ethics (2. Edition Ausg.). New York, New York, New York: Oxford University Press.

7 Beam

8 Beam

9 Beam

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the working time by billions <sup>7</sup>		
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### **The answer of the companies was the big surveillance started by**

Retrospecting the article „Email and Internet...“ and why the seniors receive the malicious documents, it is clear that they wouldn't receive such a mail out of the blue. There is a previous history which initiate this. For example the story of „Deutsche Bahn“: „As part of an anti-corruption campaign, Deutsche Bahn admitted spying on 173,000 of its 220,000 employees in 2002 and 2003.“<sup>10</sup>

Mehdorn claimed that it was the purpose of stopping breach of secrecy. But this wasn't agreed by neither the employees either the working labour. This is a tightrope walk between security of the company and violating the privacy of the single worker. <sup>11</sup>

Finally it was a violation against the „Fernmeldegeheimnis“ and the „Postgeheimnis.“ and also against all employees in an ethical way. <sup>12</sup>

#### **5.1.2 The side of law**

Germany has the „Telekommunikationsgesetz“, „Telemediengesetz“ and also the „Bundesdatenschutzgesetz“ as laws which states that, it is advisable to distinctly prohibit every private usage of internet and e-Mail within the scope of business because then the data security regulation mustn't be followed.<sup>13</sup>

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10 SPIEGEL ONLINE 2009

11 Media, E-Mail-Affäre: Bahn löscht Streik-Mails der Lokführer - Unternehmen - Wirtschaft - FAZ.NET 2009

12 Media, Mehdorn wehrt sich gegen neue Vorwürfe: Kein Hinweis auf strafrechtlich relevante Vorgänge; - Wirtschaftspolitik - Wirtschaft - FAZ.NET 2009

13 BITKOM, Die Nutzung von E-Mail und Internet im Unternehmen, PDF (Berlin, Berlin, 4. Juni 2007).

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### 5.1.3 The more ethial approach

In Germany there is special profession about it called „Datenschutzbeauftragter“. This person is responsible for monitoring business processes in all internal regulations and contracts and last but not least the IT-Systems. With this professional also comes with it a structured and reliable logging about business towards federal administratives to protect the data privacy in a company.

In this job the person is also responsible to tutor employees about security issues working in a company. By representing the rights of the employees this person take care of the right usage of the data about processes and also, with is very important about employees. The duty is to fullfill all the requirement about the data privacy in the hole company at being in a indepent role negotiating between employers and employees. The function is similar to a doctor, within come the oath of silence but allowed to leverage bad habits out of the system.<sup>14</sup>

## 6 Recommendations and Plan of Action

The recommendation of this study is:

Open communication towards the all stakeholders particularly the employee.

This could mean:

- Point to internal corporation regulations about the usage of internet
  - o Allowed in special times – in the lunchtime
  - o Which content will be filtered or analysed and which not
  - o Consequences about the violating the termin of use

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<sup>14</sup> Berufsverband der Datenschutzbeauftragten Deutschlands (BvD) e.V. (02. 02 2009). Berufsgrundsätze des Datenschutzbeauftragten. Verbandspublikation: Berufsgrundsätze . Berlin.

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Further introducing the profession of the „Datenschutzbeauftragtem“ which is mentioned in the last section should be implemented in every only just small company. As an interface between the side of employers and employees this person should be the counterpart for every purpose which affects data privacy.

Another concept in an organization or institution could predominate as an easy rule set up from the governance: „There are no rules we would like to force – but if you are interested in it – please don't mention the rules.“, which means by setting up new rules in an organization there will come a high effort and costs to implement them. So it's an easy rule which should show that every one who accepts this rule will seek with the company to a profitable future.

## **7 Conclusion**

The best approach to solve a problem is, to talk about it. Every human is a complex system which reacts completely different to the same situation. It could also mean that affirmative actions are proceeding from those who aren't affected and have the bigger glimpse about a situation. The courage of those who take responsibility should be rewarded by everyone's compliance.

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