

Workplace Privacy Issues

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Employer Rights

- Reasonable monitoring for:
 - a. Efficiency
 - b. Best use of time and property
 - c. Safety of workplace and others

Employee Rights

- Have privacy where it is reasonably expected.
 - a. I expect that my social media page will be searched when I apply for a job.
 - b. I expect that HR needs to have my social security number.
 - c. I expect that my supervisor can see what is on top of my desk when they walk by.
- 2. If searched, a reasonable search must occur.



General Idea

Just because you work for the government does not mean ALL of your privacy rights are waived. If there is reasonable suspicion, your employer can search just about anything.

The Right of Privacy is NOT Enumerated in the Constitution

The words do not appear in the Constitution; however, the Supreme Court has found such a right exists in many contexts:

**Watching Pornography
at your house**

**Not Disclosing I am a
Member of the NAACP**

**Family, Sex/Sexuality
Issues**

4th Amendment to the United States Constitution

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing place to be searched, and the persons or things to be seized."

O'Connor v. Ortega

March 31, 1987, Supreme Court of The United States

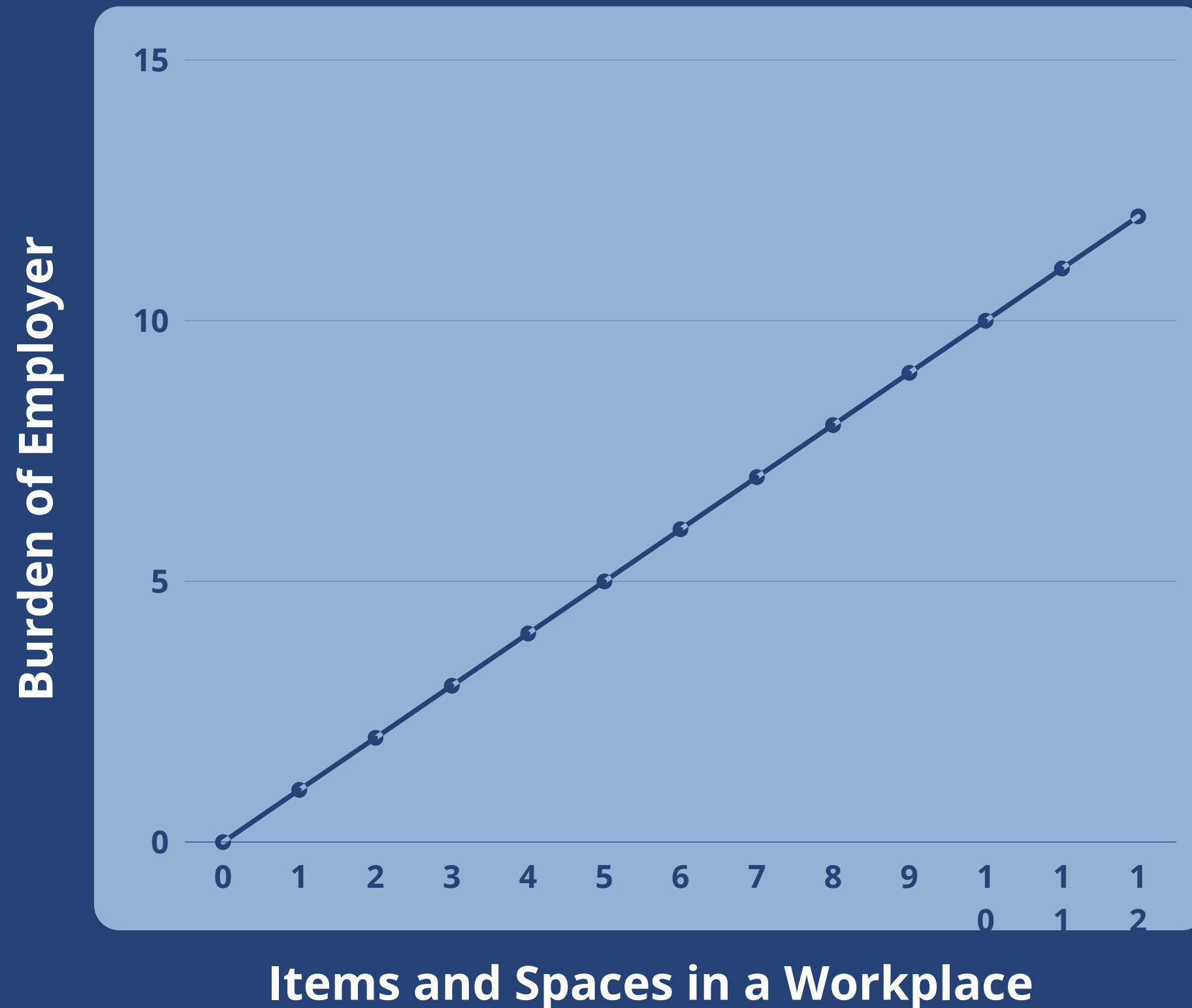
**Whether an employee
has a reasonable
expectation of privacy**

**Was it a reasonable
search?**

Reasonable Expectation of Privacy:

- **We control the expectation of privacy**
- **Operational realities of the workplace.**

Spectrum of Privacy in the Workplace



Bathrooms

Medical Conditions that do not affect work

My Person (body/clothing)

My personal vehicle parked in the parking lot

My personal briefcase that I carry into the office

My personal cellphone that I carry into the office

My desk drawer contents in my office or cubicle

My desk and items out in the open

My work computer, emails, internet

Medical Conditions that do affect work

My work-issued cellphone, iPad, etc.

My work-issued vehicle

What is a Reasonable Search?

Justified at its Inception

**Reasonably Related to
the Objectives of the
Search**

Case Study

