



CASE REPORT #4

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Case Study: Case 5.4 E-Mail Privacy at Johnson and Dresser

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Part 1: Ethical Dilemma

Email as an emerging technology proposed unknown uses and potential unforeseen risks. Prior to email there was some expectancy of privacy. An office or drawer with a lock would be a sense to keep the items private. With the creations of passwords and logins, email which is understood to be private. Johnson & Dresser (J&D) not understanding the full scope of email likened it to mailing items through the U.S. Post Office but faster. This provided a misguided sense of privacy among the employees. Monitoring provided a huge influx of data for review and ammunition for defense against the SEC charges, executives began to realize the amount of information that was at their fingertips and all perfectly legal. Perry's ethical dilemma is weighing the employee expectations of privacy, SEC regulations and the company needs to avoid potential pitfalls to maintain their industry integrity then creating a policy to satisfy these components. Should corporate e-mail be private or does the company have the right to monitor? Should employees have the expectation of privacy at work? Does email monitoring truly provide a benefit for employee analysis or just snooping? What should Jason do?

Part 2: Role of IT

IT is critical in this scenario. IT provided a solution to expedite communication for themselves and customers but without considering the ethical dilemma posed to its employees. In seeing the benefits from the support email provided for the insider trade scandal, monitoring became part of the analysis of the workers' review. Elements Perry needs to consider for the policy is in compliance with SEC regulations, legal liability, employee productivity, bandwidth and storage needs.

Part 3: Stakeholders

1. Jason Perry: Jason has a right to provide a protected network for J&D employees. He has a right to maintain integrity throughout advance stages of new technology. He too has the right to a safe work environment and clear company guidelines, even if he has to write them.
2. Lisa Curry and J&D Employees: Lisa and other J&D employees have the right to a safe work environment. They have the right to clear company guidelines and expectations.

3. J&D COO: The COO has the right to manage the day-to-day productions in compliance with the CEO or Executive Committee. He has the right to all of the information to make informed decisions. He has the responsibility to provide clear and concise guidelines.
4. Executive Committee has the right to run the company as they see fit. They would hold responsible for any SEC violations in addition any harassment or other potential employee malfeasance.

Part 4: Analysis of Possible Actions and Outcomes

1. Do nothing & Use the Current Methods: Perry can move forward and not change the current policy. Tensions would rise and
2. Create a New Policy Recommendation: Develop a new policy and educate the staff on the email policy. Have employees give input into the policy so they feel included and not mistrusted.
3. Quit: Perry could quit although he may not get the large Wall Street job he was hoping for after J&D. Quitting would solve this issue either.
4. Side with Curry and Sue J&D: Sue the company for false promises and loss of privacy.

Part 5: Deontological Perspective

Objectively and absolutely, Jason Perry and the Executive Committee, made a mistake by introducing the email system under a misguided explanation therefore giving a false sense of security to the employees. The managers had a misguided motivation without proper training or knowledge of how to use the new technology appropriately. While it was proven that email monitoring can be beneficial to ward off any suspicion of the SEC accusations, email monitoring should be used when relevant perhaps even filters to trip alerts for further scrutiny. Managers misused their authority and essentially spied on the employees destroying all hopes for a sense of trust in a very sketchy trading world. While the managers may feel they are using the information for duty to their company and keep the company integrity intact, they may destroy the very fiber that holds it together. The COO, managers and executive company felt it was their moral duty to protect the company from any other potential SEC violations or insider trading violating the individual's rights by reviewing all of the information essentially holding anything

anybody ever said against them. By doing nothing and continuing on would serve this perspective best.

Part 6: Teleological Perspective

The evolution of technology brings new issues. The greater good is the survival of the company. The executive committee while hesitant to put the technology in soon realized its benefits for keeping tabs on the employees. Their actions here are for the greater good miss the mark. If the COO doesn't seem to be bothered by the impositions upon the employees, Perry needs to create a recommendation that will serve both management and the employees by which both can live by. Perry's mistake was miscommunicating what the email was for and further educating after the insider trading scandal what the email was being used for. All of the individuals' rights have been abused with no cause for alarm from the Executive Committee. While email monitoring does serve a good purpose to keep individuals honest and focused. What good does it do if they don't know about it?

Part 7: My Recommendation

By creating a new policy, Jason brings both the COO the cooperation they need for to keep the integrity of the firm for a future for their company and allow the employee a sense of privacy with guidelines. With the new technology, the higher ups can maintain the company's professional reputation and image, improve employee productivity and prevent disclosure of trading information. The constant monitoring of email for reviews truly serves no purpose other than wasting the manager's time reviewing trivial information. The use of a web filter can aid in finding some of the truly possible detrimental information being passed along. In accordance with the ECPA, the company needs to create a policy that includes fair use for the employees just as for pre-email, employees could use phones, etc. for personal needs; they should also be able to use email when necessary. The COO's concern was for compliance with the SEC. The trading industry may have stricter needs for emails but any and all information should be communicated to the employee so they have a clear and concise scope of implication, consequences and guidelines by which to remain employed with J&D.

Works Cited

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- [2] R. Spinello, *Case Studies in Information Technology Ethics*, Second Edition ed., Upper Saddle River, NJ: Prentice Hall, 2003, pp. 115-122.