

# Your boss could be snooping on your workplace computer

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Albertans who use workplace computers or systems for personal reasons should be wary that their boss may be legally snooping on what they look at and write, says a city lawyer.

While the province is one of only three in the country with privacy legislation that covers both the public and private sector firms, Bill Johnson said employees shouldn't have an expectation of electronic privacy while on the job.

"My advice is to do work at work or when you're using the office laptop or cellphone," Johnson said.

"Whether it's an e-mail saying you'll be late getting home or something more intimate, you're far safer using your own device."

The lawyer's remarks come in the wake of a ruling this week by the province's privacy commissioner that found the Calgary Police Service broke

the law by accessing an employee's personal e-mail.

During a workplace investigation into alleged sexual misconduct, an IT manager found the log-in and password in the woman's work e-mail, signed into her personal account and downloaded topless photos that were used by the service in the decision to terminate her employment.

A lawyer with the firm who helped her win reinstatement, Johnson said the case is an example of an employer who crossed the line.

"This wasn't about information stored in their system or created with their computer," he said.

But in other cases in Alberta, the situation hasn't been as clear-cut and employees have sometimes had to face the consequences.

In 2007, a labour arbitrator ruled intimate e-mails that a Lethbridge College instructor had written from his personal Hotmail account while using his work computer were ad-

missible as evidence in a hearing regarding his termination for inappropriate relationships with three students.

"Employers can bring in their IT experts, and it's scary the means they have to dig out data from months back," Johnson said. "People either don't understand or they don't care, but they should."

In a 2005 ruling, the province's former privacy commissioner found the Parkland Regional Library did not have the authority to install key-stroke logging software on the computer of an IT employee it suspected was wasting time at work.

"There were alternate means by which the managers could address any concerns they had about the applicant's productivity," Frank Work said.

"The surreptitious aspect of the information collection made it even less justifiable."

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