



## E-communications & the law

27/03/07

In January of this year, a new European directive came into force, governing e-communications. It concerns amendments to the mandatory information portrayed on all electronic business documentation, including e-mail and websites. Failure to comply with the new requirements puts businesses at risk of a fine of up to £1000.

Directive 2003/58/EC affects all EU Member States. It was introduced to the UK as an amendment to the Companies Act of 1985. For all private and public limited companies and Limited Liability Partnerships this directive has applied since January 1st 2007. Additional to all business e-mails, business letters and order forms must now include the following information:

- company registration number
- place of registration (i.e. Scotland, England & Wales)
- registered office address.

These details should also appear on business websites. See our "About us" page for an example of how to layout this information. Other information that can, but is not mandatory to display on outgoing e-mail footers includes confidentiality notices, disclaimers & monitoring statements.

- a confidentiality statement means that should a disputed e-mail be taken to court, it can be argued that due to the statement attached, the content should not have been disclosed
- a disclaimer should be written with care. Depending on the nature of the business, what is disclaimed may not stand up in court
- some organisations may monitor e-mail traffic data. Legal advice should always be sought prior to any e-mail monitoring. Once done, a monitoring statement is simple "[company name] may monitor e-mail traffic data". If the company also monitors e-mail content, extend the content to include "...and also the content of e-mail for the purposes of [security & staff training]".

For more information about the recent changes, contact Department for Trade & Industry (DTI) or talk to us on 0870 9090 898.

ENDS