

## E-MAIL NOTICES



Although the advent of computers has failed to give us the paper-free office we were once promised, email has resulted in less paper correspondence within the business sector. The speed and ease with which emails can be sent between parties means that decisions can be made more quickly and hence e-mail is seen as an attractive and effective form of communication.

This ease of use does however have some downsides:

- it encourages more informal and less well-considered responses (which may end up for the whole world to see);
- there is the dreaded risk of sending emails to the wrong person (especially when commenting about them); and
- there is the risk of emails being intercepted or sent to the wrong person through no fault of the sender.

For these reasons, and more, it is very common now to see a disclaimer at the end of an email to give the sender at least some protection against these pitfalls. Legally the effect of these notices and disclaimers is still uncertain but that hasn't prevented their universal

use.

So what should such a notice contain? It can be broken down into three main aspects.

### 1 Confidentiality

This seeks to advise the recipient that the contents of the email are confidential and that if the email has been sent or delivered in error that they should not disclose the contents. One pitfall to watch out for here is the statement "the information in this email is for the recipient only" - the recipient is any person who has received the message, albeit in error. What is actually meant here is the *intended* recipient (although it may be difficult to see for whom it was intended from the message itself). The confidentiality provisions should also be extended to any attachments with the email.

### 2 Disclaimers

These are statements which can be used to deal with several issues but the most common is to disclaim any liability for any interception, corruption or loss of the e-mail itself and for any damage caused by viruses. It should put the onus on the recipient by stating it is their responsibility to check all emails for viruses. Any attempt to disclaim liability for statements by employees is likely to be ineffective—particularly in the case of business to business e-mail exchanges.

### 3 Contact Information for Companies

Where the sender is a company the necessary information about the company should be included on the email, for example its country of incorporation, name, registered office and company number.

For further information on e-mail notices please contact Lester Cameron (LFCameron@paul-williamsons.co.uk)