How to avoid the legal risks

Your intranet has to meet business, employee and legal requirements. While you may be familiar with what your business and employees need from your intranet, are you sure it is not risking breaking the law? I will set out some of the most common reasons you need to consider to avoid your intranet breaking the law!

You should consult with your legal person/department in your organisation or independent legal expert for advice on what your intranet needs to comply with and the best methods to do this.

Accessibility

If your intranet has information or applications that are not accessible to all employees you will be breaking the web accessibility guidelines. Legislation and codes of practice based on the World Wide Web (W3C) Web Accessibility Initiative (WAI) guidelines apply in most countries. US Section 508 and UK DDA 1995 are two examples. These guidelines are at three levels, A, AA, and AAA covering the most basic problems to the most advanced problems experienced by people with a disability when using your intranet.

Everyone whether they have a disability or not needs to have the same experience when using any intranet information or applications. Employees with a disability may use devices to help them. Your intranet needs to be compatible with these to avoid risking breaking the guidelines and any law that applies in the country where the person works.

Prevention

The best method is to prevent the errors happening. This can be achieved in several ways.

1. Train your publishers on how to make their content accessible when they publish and update it. Simple things like adding text to an image can help enormously to improve the experience.
2. Add an accessibility clause in contracts to buy web services. It will be the responsibility of the supplier to meet your legal needs. You do need to audit this has been done.
3. Embed accessibility standards in content templates used for publishing content. This reduces the work publishers need to do. The focus is on the content they are publishing only.

However not all errors can be prevented. You need someone to check content for accessibility errors or, better still, deploy an automated checker tool that will report on a regular basis to you and/or publishers any problems that need attention.

You can also give advice to disabled users on how to use their browser and computer to help improve their experience.

Information retention

You need to make sure you retain the information needed by law and for the sound running of our organisation. But you need to consider whether you retain old copies of content. You need to consider requests that may need you to show a copy of a web page as it was at the time of the incident to prove what guidance was actually being given to employees.
The important point is to be consistent with your organisation’s policies and check if your intranet supports employees in more than one country that all relevant laws are being met that apply in other countries.

**Legal and regulatory frameworks**

Your organisation may need to meet regulatory requirements. This means there is often a need for some ‘knowledge firewalls’ to safeguard insider information in all sorts of industries such as the pharmaceutical, legal and banking industries. Incidentally the term ‘chinese wall’ is to be avoided according to Wikipedia.

As well as legal expert advice you may need to work with regulatory experts within your organisation or independent experts on how your intranet complies with any regulations.

**Confidentiality**

This applies to personal and commercially confidential information. For personal information it is making sure it is secure and only available to people with permission to see or change it. This can be the employee, their manager and their Human Resources manager. It depends on the type of information and the employee’s willingness to share as to the right amount available. For example the employee may share their skills and interests to help collaborate with other employees who have similar interests.

Information that has commercial confidentiality can have far reaching impact. Examples of this are contracts, tendering bids and sales agreements which need to secure and available only to the parties involved. It also applies if someone publishes on your intranet issues with a piece of software they use. How would they or your organisation be affected? You need to check with legal experts on how the law needs to apply. Your publishing standards and the terms and conditions employees agree to before publishing on your intranet need to include this.

**Freedom of information**

This can be a big concern with information published on your intranet. Anything published on your intranet may be subject to a Freedom of Information challenge. It may have a chilling effect and employees could be less likely to share their views and knowledge. This is probably likely to affect government and public service intranets most. Like with confidentiality it is best to make clear in your guidance what is needed and educate publishers so the right balance is reached that avoids the risks and maximises the benefits of employees collaborating with each other on your intranet.

**Data protection**

Data Protection, particularly Personal Data and European Union (EU) rules for its use and storage, may affect your intranet systems, particularly Human Resources (HR) systems. Within the EU it varies on what can be published about individuals and even how it is published. Some information needs permission from an employee before it is published but for other countries it can be shown without this within the same organisation.

You need to take advice from HR and legal experts to ensure you comply. Sometimes it is better to take extra time and steps to keep good employee relations and follow your organisation’s values and culture even if strictly you don’t need to for some employees.
Copyright

Copying any content, especially an image, photo, or multi-media file, from another website to insert on an intranet site can be an infringement of copyright unless you have permission from the copyright owner. To avoid any copyright problems restrict your uploading to:

- content which you have created
- colleagues, friends or relatives have created and given you permission to use
- is provided by an official agency

Your standards, guidance and training should clearly explain what publishers need to do. At the very least it will be embarrassing to remove something published. The worst outcome is damage to your organisation’s reputation and possible legal action.