

Legal requirements for email footers

A briefing by OUT-LAW.COM, part of international law firm Pinsent Masons



1 Mandatory information

If your business is a private or public limited company or a Limited Liability Partnership, the Companies Act 1985 requires your letterhead, order forms and all business emails to include the following details in legible characters:

- Your company registration number;
- Your place of registration (e.g. Scotland or England & Wales); and
- Your registered office address

This information should also appear on your company's website. Failure to comply with these requirements puts your company at risk of a fine.

These duties were clarified on 1 January 2007, as a result of an amendment that was made to the Companies Act to comply with a European Directive. For avoidance of doubt, these details are not required of sole traders or standard partnerships.

2 Optional information: confidentiality notices

Some organizations add a confidentiality notice to every outgoing email. If the disclosure of the content of an email becomes the subject of a dispute, it can be argued before a court that the recipient should have known to not disclose the information.

However, there is no legal authority for this and there is always a risk that a court might reject the notice as ineffective, particularly where the notice is added automatically to every outgoing email. Where such notices are used they have a better prospect of standing up in court if they appear above the body of a message.

3 Optional information: disclaimers

Disclaimers are often added to all outgoing emails but they should be written with care. What you attempt to disclaim will depend on the nature of your business and if your disclaimer is too wide it will fall down in court. Seek legal advice to maximize the effectiveness of your disclaimer.

4 Optional information: monitoring

If your organization monitors some email traffic data, your outgoing emails should say: "[Organization name] may monitor email traffic data."

If your organization also monitors the content of email, you should say: "[Organization name] may monitor email traffic data and also the content of email for the purposes of [security and staff training]."

The monitoring of business email is primarily governed by the Telecommunications (Lawful Business Practice) Regulations 2000 but it is also affected by other laws including EU rules and, in the UK, the Human Rights Act 1998 and the Regulation of Investigatory Powers Act 2000.

Among other things, these rules require you to give correspondents notice of the monitoring you carry out, including monitoring email traffic data. You should take legal advice on any monitoring of communications that your organization conducts.

The statements above can help your organization to reduce the risk of a successful claim for unlawful monitoring of your organization's email data but you should be aware that such statements have never been tested in court and therefore any monitoring will carry some degree of risk.



[Example email on next page ›](#)

Example email

What did you think of the Demonstration?

karen@greenorg.net
Sent: Thu 26/01/2007 12:18
To: sue@thinkboxart.com

Message



2 IMPORTANT: This message is private and confidential.
If you have received this message in error, please notify us and remove it from your system.

Hi Sue,
I wondered if you'd be interested in chatting to one of our sales team?

Regards,
Karen

1 Green Organization is a limited company registered in England and Wales.
Registered number: 5464771. Registered office: Green House, 21 Bloom Street, London, WC1 1AA.

4 Please note that the Green Organization may monitor email traffic data and also the content of email for the purposes of security and staff training.

3 This message (and any associated files) is intended only for the use of sue@thinkboxart.com and may contain information that is confidential, subject to copyright or constitutes a trade secret. If you are not sue@thinkboxart.com you are hereby notified that any dissemination, copying or distribution of this message, or files associated with this message, is strictly prohibited. If you have received this message in error, please notify us immediately by replying to the message and deleting it from your computer. Any views or opinions presented are solely those of the author karen@greenorg.net and do not necessarily represent those of the company.

This briefing was prepared for Exclaimer in January 2007 by OUT-LAW.COM, part of international law firm Pinsent Masons. If you have any questions, email info@out-law.com.

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