

BLOGS

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Technology, Law, and the Workplace: Week in Review

The worlds of technology and labor and employment law are always on a collision course, but this last week these areas seemed to intersect even more than usual. (Maybe I just have [David Foley's "Worlds Colliding" post](#) on the brain.) This week witnessed a host of news about technology-related employment and labor litigation, including [settlement of the NLRB's threatened complaint against Thomson](#) for the news organization's social media policy. Stories about the [theft of customer payment information from Sony](#) have also dominated the technology news, coming in the wake of the recent Apple location data scandal and Epsilon security breach.

The flurry of news relating to data security reminds me of a recent conversation with a colleague at the [ABA National Symposium on Technology in Labor & Employment Law](#). The lawyer felt that the rhetoric about electronic information security is such that employers and other custodians might get the message that the law somehow demands perfection in their electronic storage system. He felt that this standard is misleading, insofar as the law only requires *reasonable* measures to protect information. He gave the example of the theft or other loss of a briefcase by an attorney on a crowded bus. In his view, the loss of the briefcase would only be actionable if the lawyer had not taken reasonable measures to protect the information.

There are many important distinctions that apply to the briefcase analogy. For example, the volume and ease of transmittal of electronic information could be interpreted to create correspondingly higher standards of reasonableness for electronic storage of confidential information. However, there is still an important lesson to be learned from this analogy: as the worlds of technology and employment and labor law interact on an ever-increasing basis, the law of the briefcase will evolve to account for the new electronic realities of the workplace. Who knows: maybe someday the concepts of social media or cloud computing may be as common and settled as the briefcase is today!

Technology in the Workplace

- Court Says Porn on Work Computer Is Grounds for Firing ([Wired](#))
- If You Doze During A Meeting, Microsoft's Got Your Back ([Fast Company](#))
- Survey says: More people are going online to find work ([Employer Handbook](#))
- Tech Giants Face Antitrust Action Over Workers' Pay ([EmploymentLaw360](#))
- The Ninth Circuit Clarifies Application Of The Computer Fraud And Abuse Act Favorably For Employers ([Sheppard Mullin Labor & Employment Law Blog](#))
- Technology, the Workplace and Bin Laden ([Connecticut Employment Law Blog](#))



- Jumping the Gun on Employee Internet Activity ([Delaware Employment Law Blog](#))
- HOW TO: Get Your Employees On Board With Your Social Media Policy ([Mashable](#))
- No unemployment benefits for woman fired for Facebooking at work ([Employer Handbook](#), [Lawffice Space](#))
- Managing Employees' Use of Personal SmartPhones and Tablets for Work ([Workplace Privacy Counsel](#))
- 3 common-sense social-media tips to share with your employees ([Employer Handbook](#))
- Reuters Reaches Deal With Union, Avoids NLRB Fight ([EmploymentLaw360](#))
- Technology in Labor and Employment Law: [Day 1](#) and [Day 2](#) (Labor Related)

Technology and the Law More Generally

- Another Sony Service Breached By Hackers ([Privacy & Information Security Law Blog](#))
- New Tool in Social Media Discovery ([JDs Rising](#))
- Suit Says Facebook Violates NY Law When Minors Like Products Without Parents OK ([ABA Journal](#))
- Tweet deletion may lead to tampering with evidence charges ([Shear on Social Media Law](#))

Technology in the News

- Turning to Social Networks for News ([NY Times](#))
- A New Kissing Device Lets You Make Out Over The Internet ([Fast Company](#))
- Military Blogging Goes Mainstream ([NY Times](#))
- Trying to Stir Up a Popular Protest in China, From a Bedroom in Manhattan ([NY Times](#))
- Hackers Claim to Have PlayStation Users Card Data ([Bits](#))