

BLOGS

Archives; Investigations & Training; Privacy & Information Security; Social Media & Technology; Week in Review

Week in Review

This was a good week for employers to pay attention to the news about technology and social media. There were a number of important developments that may impact how investigations of applicants or employees are performed.

Utah joined the growing number of states that have passed a ban on employers accessing employees' social media accounts. Washington is debating a similar bill; its version, however, has an exception that would allow employer access during a company investigation. In a similar vein, employers using employee-theft-tracking databases to screen potential hires may want to proceed with caution. The FTC is investigating such databases as possible violations of the Fair Credit Reporting Act.

In a recent case in the District of New Jersey, the court sided with an employer when the employer tried to use social media to defend against an employee's lawsuit. In *Gatto v. United Air Lines*, the judge imposed sanctions on an employee-plaintiff who deleted his Facebook page after the employer was authorized to access it. Even though the plaintiff claimed the deletion was unintentional, the judge found that the destruction of evidence required corrective action in the form of an adverse jury instruction.

Technology and the Workplace

FTC Considers Whether Databases Tracking Employee Thefts Violate Federal Credit Reporting Law ([ABA Journal](#)) ([NY Times](#))

Facebook Account Deactivation Leads to "Spoliation Instruction" ([Employer Law Report](#)) ([DE Employment Law Blog](#))

UT Becomes 5th State With Workplace Social-Media Privacy Law ([Employer Handbook](#))

WA Bill Would Allow Employers to Seek Workers' Facebook Passwords ([CBS](#))

Use 5 or More Social Networks? This Study Shows You're a Better Employee ([Mashable](#))

Technology and the Law

Judge Refuses to Toss Infringement Lawsuit Against Facebook Over Its Timeline Feature ([ABA Journal](#)) ([NBC](#))

Appeals Court Restricts Searches of Students' Phones ([WSJ](#))

Cyberattacks on Banks Signal Urgent Need for Security Bill, Lawmakers Say ([NBC](#))

FCC Finally Opens Review of Cell Phone Safety Standards ([CNET](#))

Tech Firms May Balk At CA Push For Citizen Data Access ([CNET](#))

There's an App for That

How to Shield Yourself From Smartphone Snoops ([NY Times](#))

Playboy Keeps It Clean With New iPhone App ([LA Times](#)) ([ABC](#))



App Turns iPhone and iPad Into Security Camera, Motion Detector ([LA Times](#))

NY Sex Advice App for Teens Prompts Mixed Reaction ([CBS](#))