

**Welcome to...**

**Cradle to Grave: Legal Aspects of the Employment Lifecycle**

***Maneuvering the Minefields of  
BYOD and Social Media in the Workplace***

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# BYOD:

(BRING YOUR OWN DISASTERS)

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William E. O’Gara, Partner, PLDW

Rachelle R. Green, Partner, Duffy & Sweeney

Brian J. Lamoureux, Partner, PLDW

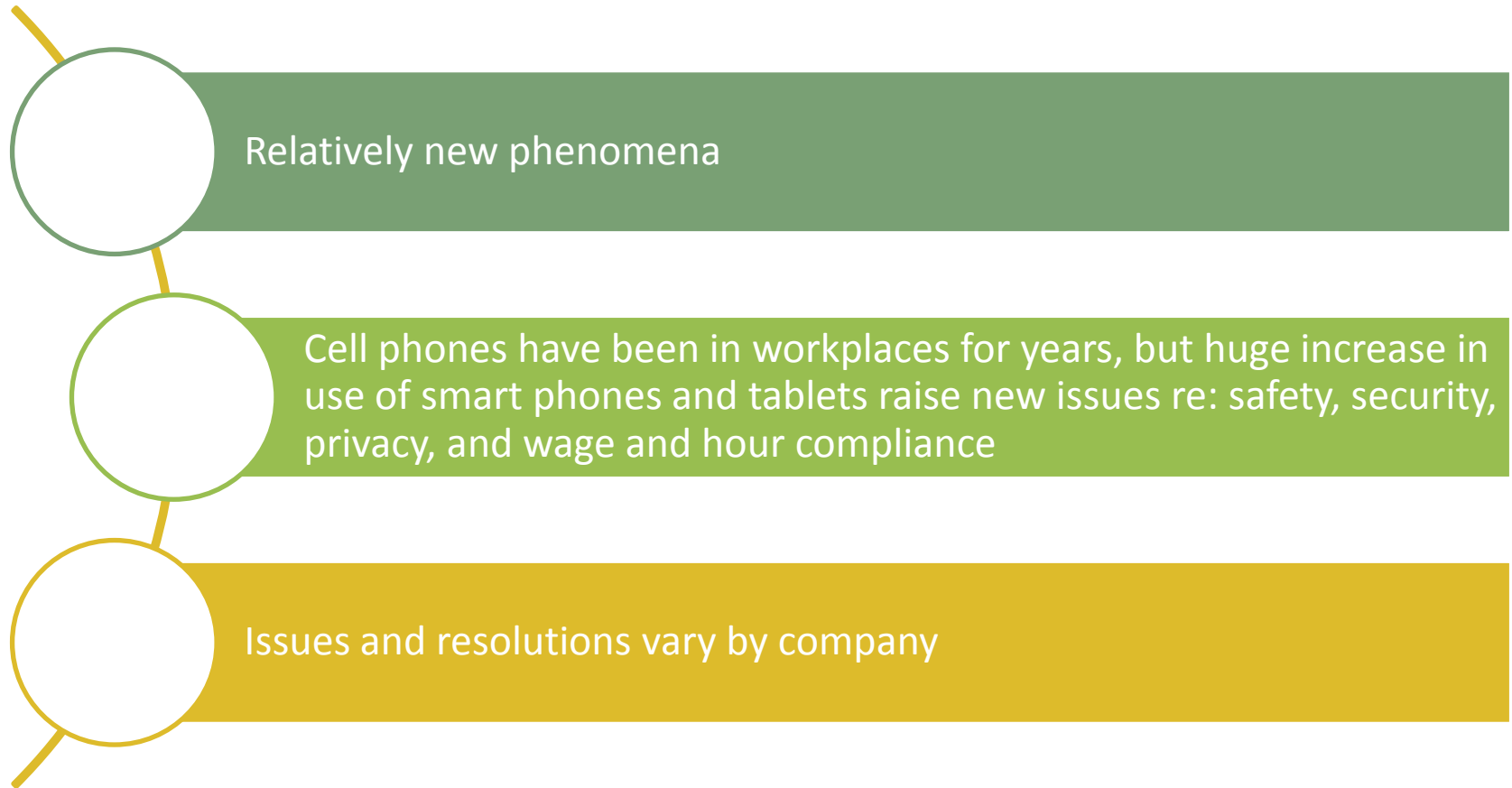
 @brianattorney



# Today's Game Plan

- Spot issues
- Hot topics and recent cases
- Scenarios
- Best practices/tips
- Questions (as we go)

# BYOD Overview



# A New Style of IT – Data, Data Everywhere...



## Every 60 seconds:

 **698,445** Google searches

 **695,000** status updates

 **217** new mobile web users

 **98,000+** tweets

 **168 million+** emails sent

 **11 million** instant messages

 **1,820 TB** of data created

# BYOD Adoption

## What's Driving BYOD Adoption?

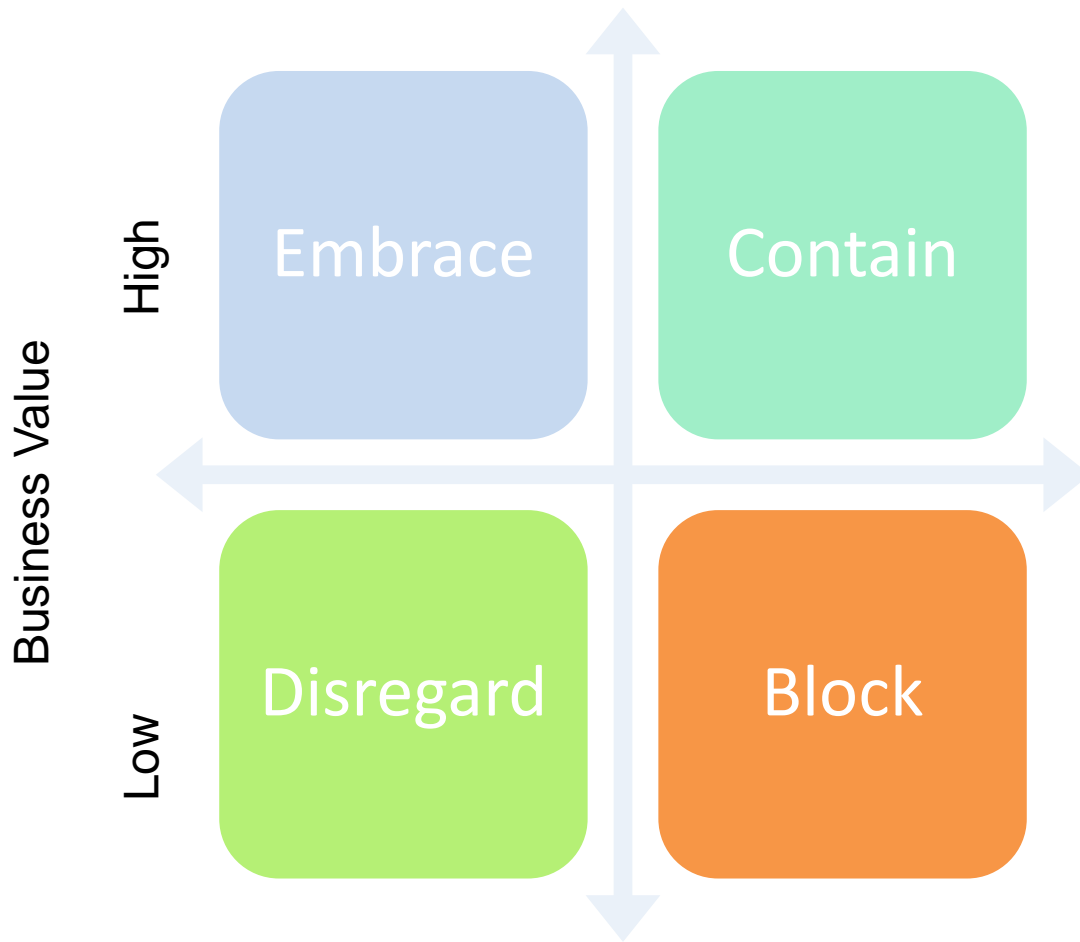
- Consumerization of IT
- Increased Productivity
- Appeal of consumer technology
- Convenience for users
- Increased accessibility
- Reduced expenses
- Recruiting tool

75% of surveyed organizations allow employee BYOD!

51% could bring any device, with little to no policy measures

Only 24% had any sort of compliance policy in place

# BYOD Implementation Scenarios



**Embrace** – Allow everyone to use all devices to access all resources

**Contain** – Allow some people to use some devices to access some resources

**Disregard** – Ignoring the presence of personally owned devices in a corporate environment

**Block** – Ban the use of consumer-grade products or services by explicitly prohibiting their use in an appropriate policy

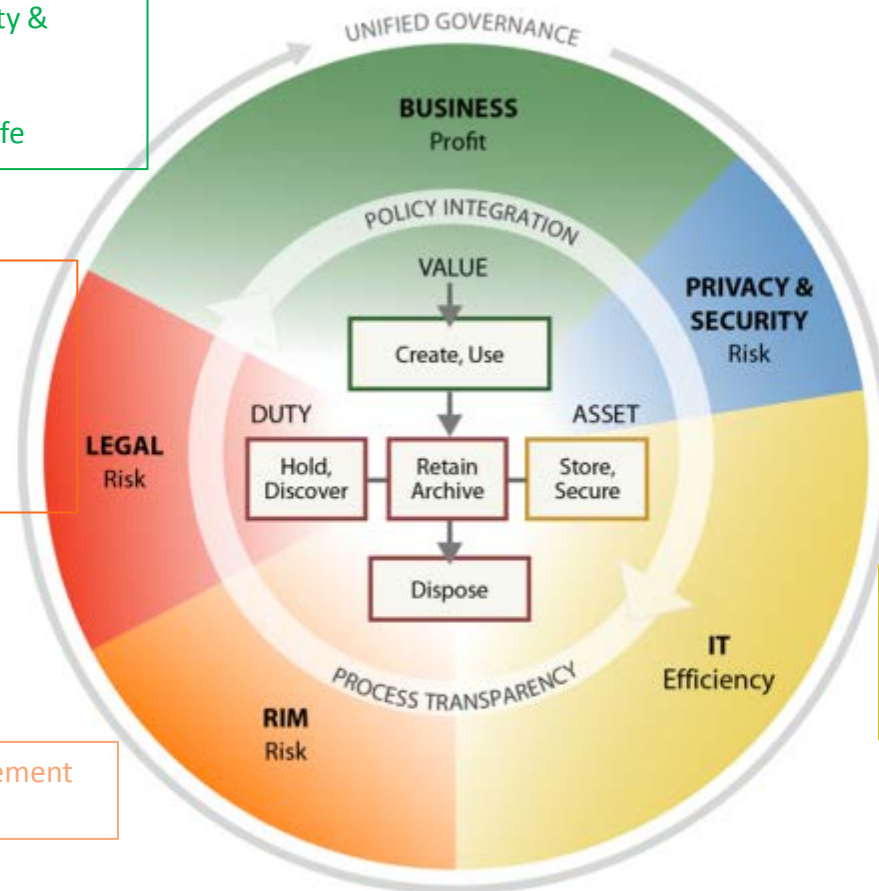
# Information Governance Reference Model (IGRM)

Linking duty + value to information asset = efficient, effective management

- Increased Productivity & Accessibility
- Cool factor/morale
- Convenience/work-life

- Physical & Cyber Security
- Confidentiality
- Privacy v. monitoring
- Data flows/access
- Mobile Device Management
- NAC

- Employment Issues
  - Wage/Hour
  - Expense Reimbursement
  - Harassment
- Global Trade/encryption



- IT Infrastructure
- Hardware savings
- Bandwidth/Network
- App selection/development

- Records & Info Management
- Legal Hold/Discovery

**Duty:** Legal obligation for specific information

**Value:** Utility or business purpose of specific information

**Asset:** Specific container of information



# Additional Concerns

EEO and Harassment



Records Management and Data Collection



International Challenges



Wage & Hour Risks



Safety Concerns

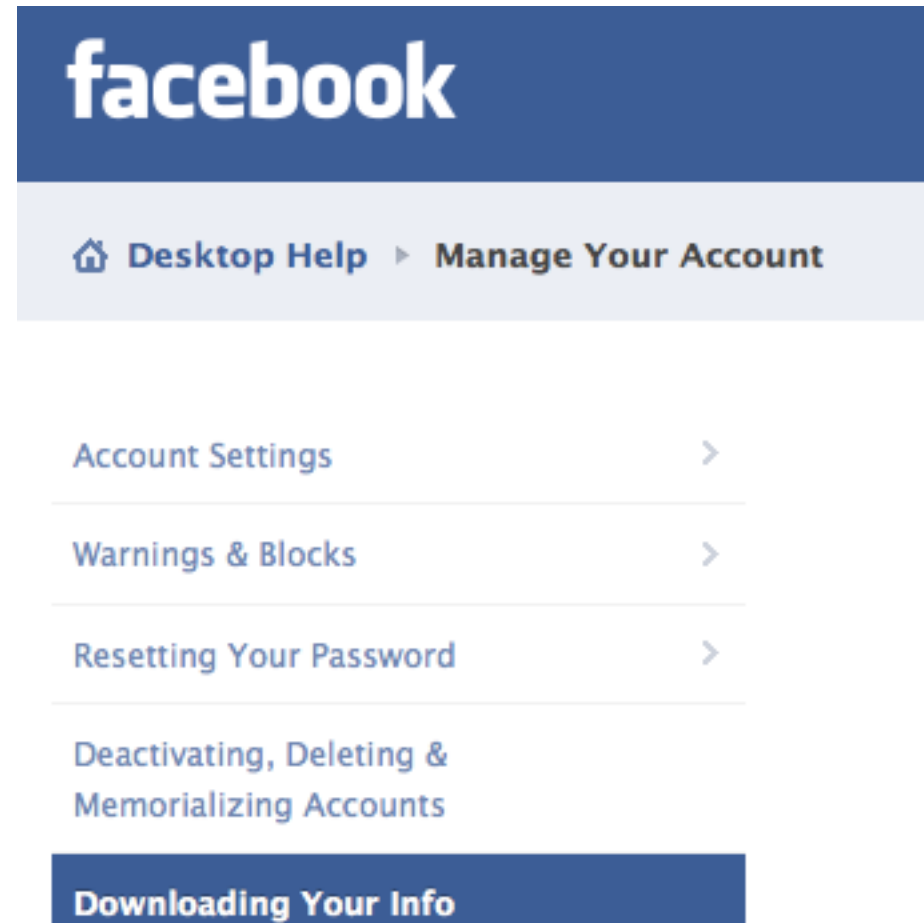


# Scariest feature on the internet

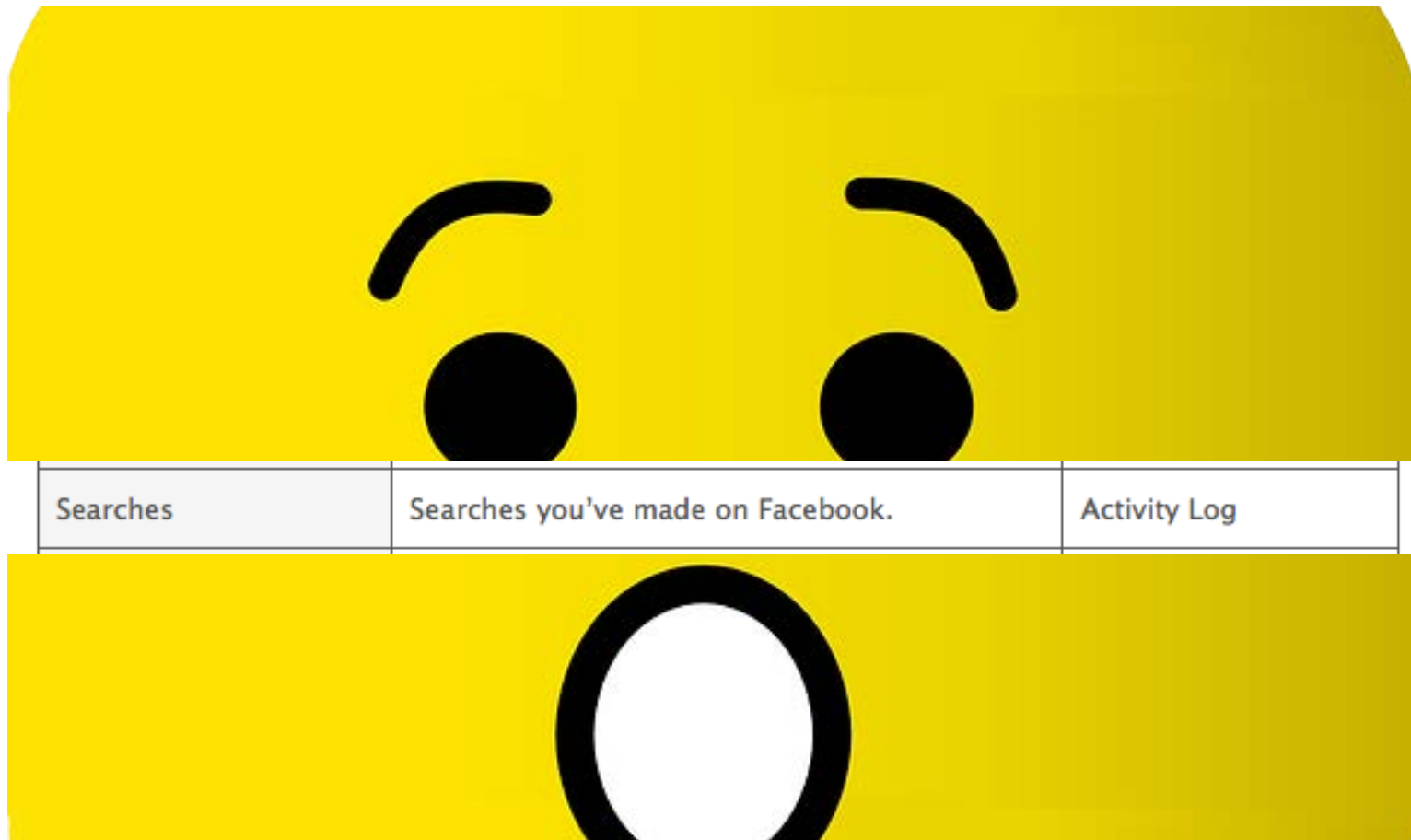


# “Download Your Information”

- IP addresses
- Friend requests
- Wall posts
- Check Ins
- Chat history
- Likes
- Messages (most)
- AND...

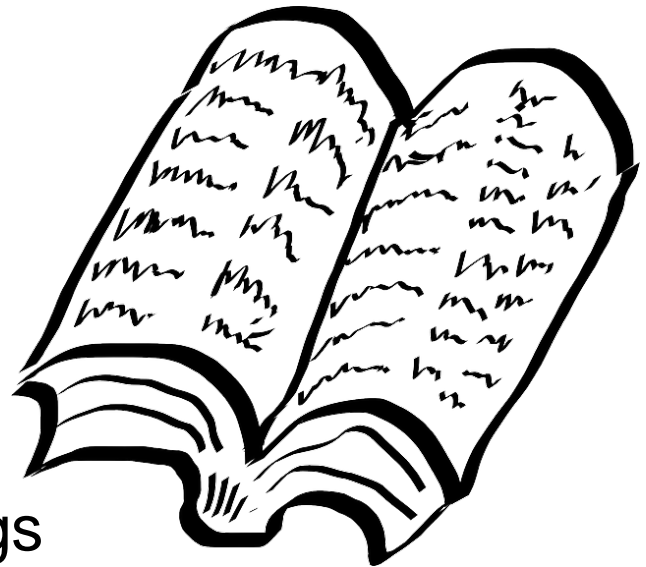


# Last but not least...



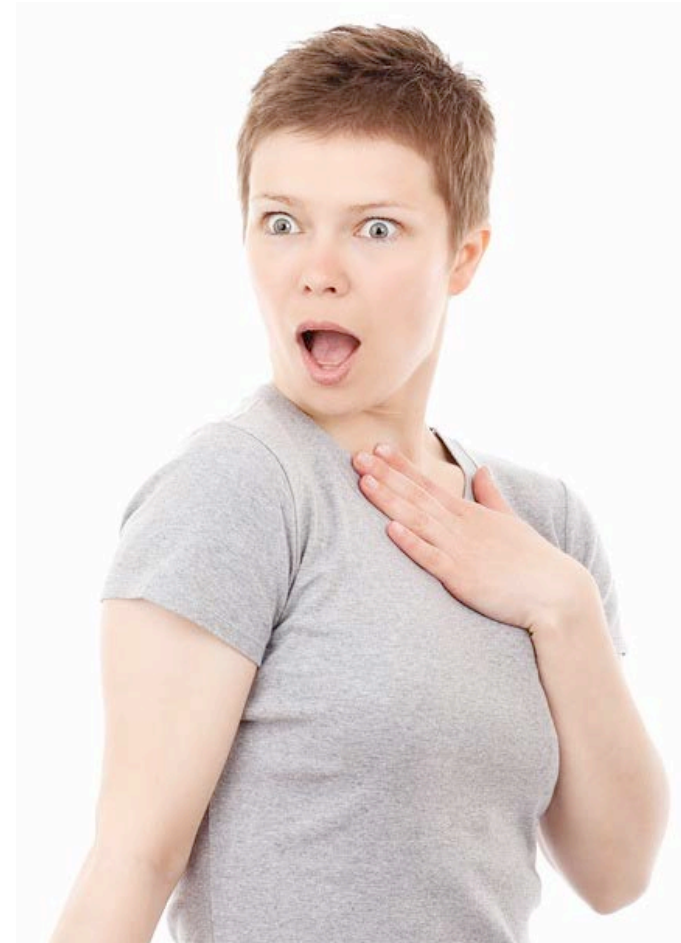
# Pending RI Legislation

- House bill 7124/Senate bill 2095
- Would apply to employers and schools
- Prohibit password requests
- Restrict “forced” connections
- Restrict requests to change settings



# Verizon

- Devices
- *Lizette v. Verizon*



# What's in your policy?

- Who owns what?
- Protocol when employees leave
- Global wipe
- Sign receipt/acknowledgment



# Tips/best practices

- Draft (and maintain) social media policy
- Encourage human/offline interaction
- Use existing policies as “teaching moments”
- Less can be more: do you really want to know?
- Use technology yourself; understand it





# A note on texting...LOL

- “Nothing good happens after 3am...”
- “Nothing good happens via text”
- My client:



“We can conduct NO legitimate business via text.”

# A note on texting...LOL

- Growing issue for my clients
- “Stealth” harassment
- Texting while driving
- Texting while off-hours
- Records retention
- Texts likely NOT saved/recoverable



**Thank you – questions?**

