



# **TRADE SECRETS, DATA PRIVACY AND CYBERSECURITY IN THE COVID-19 WORLD**

Presented by Mindy Morton, Elaine Harwell, and Robert Gillette

# Introduction

- COVID-19 and the resulting shelter-in-place (whether imposed or voluntary) has disrupted everything
- Many companies have shifted to all or most of their employees working remotely
- Remote work requires extra precautions to protect trade secrets and data privacy
- We will discuss steps that can be taken to anticipate problems, develop creative solutions and reduce potential risks

# Perspectives on Remote Work

- IP Litigation
- Cybersecurity
- Data Privacy

# Unique Problems With Remote Work

- Employees are difficult to monitor
- Employees and their homes are insecure
- Employees can be bad actors

# Employee Monitoring Issues

- Cloud Storage
- Tracking Productivity
- Security Causes Friction

# Data Privacy Concerns in COVID World

- Implementing new technologies may trigger data privacy laws if personal information is collected
  - Biometric
  - Geolocation
- Proliferation of sensitive or confidential data saved in unauthorized places
- Existing privacy laws still in effect

# Security and Privacy Issues

- Videoconferencing
- Cloud Storage
- Home Smart Devices
- BYOD
- Device Sharing
- Phishing, malware, etc.

# Security and Privacy Precautions

- Review and update policies related to working from home
  - Internal and external privacy policies, including BYOD
  - Incident response plans and business continuity plans
- Communicate policies and remind employees of best practices
  - Remind employees what data the organization considers sensitive or confidential
  - Educate employees about latest phishing or fraud scams



# Employees as Bad Actors

- Ongoing training
- Misappropriation—cloud storage, flash drives, etc.
- Laying off employees—return of company information and property
- Revisit NDAs
- Law of least access
- Align incentives and act quickly

# Things to Remember—PLAN AHEAD!

- Data privacy laws not on hold
- This is not a “snow day”
- Know what your trade secrets are and who should have access (this may be different than who does have access)
- Think before collecting new personal data
- Don’t risk too much
- Have a plan for bad actors

Questions???

# Panelists:



**Mindy Morton**  
Partner  
650.645.9020  
mindy.morton@procopio.com



**Elaine Harwell**  
Senior Counsel  
619.906.5780  
elaine.harwell@procopio.com



**Robert Gillette**  
IT Executive at Endsight  
510.427.7745  
rgillette@endsight.net