

News & Insights

S. Christopher (Kit) Winter Authors *Inside Counsel* Article

Tips to Help Thwart Intentional Security Breaches by Employees Who Leave the Company

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S. Christopher (Kit) Winter, a Los Angeles-based member in Dykema's Litigation practice, authored an article—"Pointers to prevent departing employees from taking confidential information"—that appeared in the April 4 issue of *Inside Counsel* magazine. The article is the final installment in a six-part *Inside Counsel* series written by Winter that addresses issues of data protection and cybersecurity.

In the article, Winter acknowledges that preventing employees from intentionally compromising a company's data security is a nearly impossible task. However, there are steps that businesses should take to provide "meaningful protection." Among these:

- **Employee agreements and policies.** Putting a stringent and solidly enforced confidentiality policy in place is essential. Employees should be compelled to sign nondisclosure agreements and access to company data should be terminated immediately upon that employee's resignation or termination. Winter also suggests enlisting knowledgeable labor and employment counsel anytime employee handbooks or policy manuals are changed.
- **IT policies.** As important as it is to have solid security protocols in place, it is equally vital—says Winter—to ensure that any claims of malfeasance are supported by appropriate evidence. When endeavoring to claim data piracy, be certain that when password-protected information has been compromised, the breach can be traced to—and proven to be the sole responsibility of—the password-holder.
- **Litigation.** Though not one to recommend litigation for litigation's sake, Winter observes that "few things are as detrimental to the ultimate security of a company's data" as when companies fail to penalize employees who breach their obligations of confidentiality. Even if the actual damages are modest, taking strong punitive action speaks volumes about the importance a company places on data security.

To read this article in its entirety, [click here](#).

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