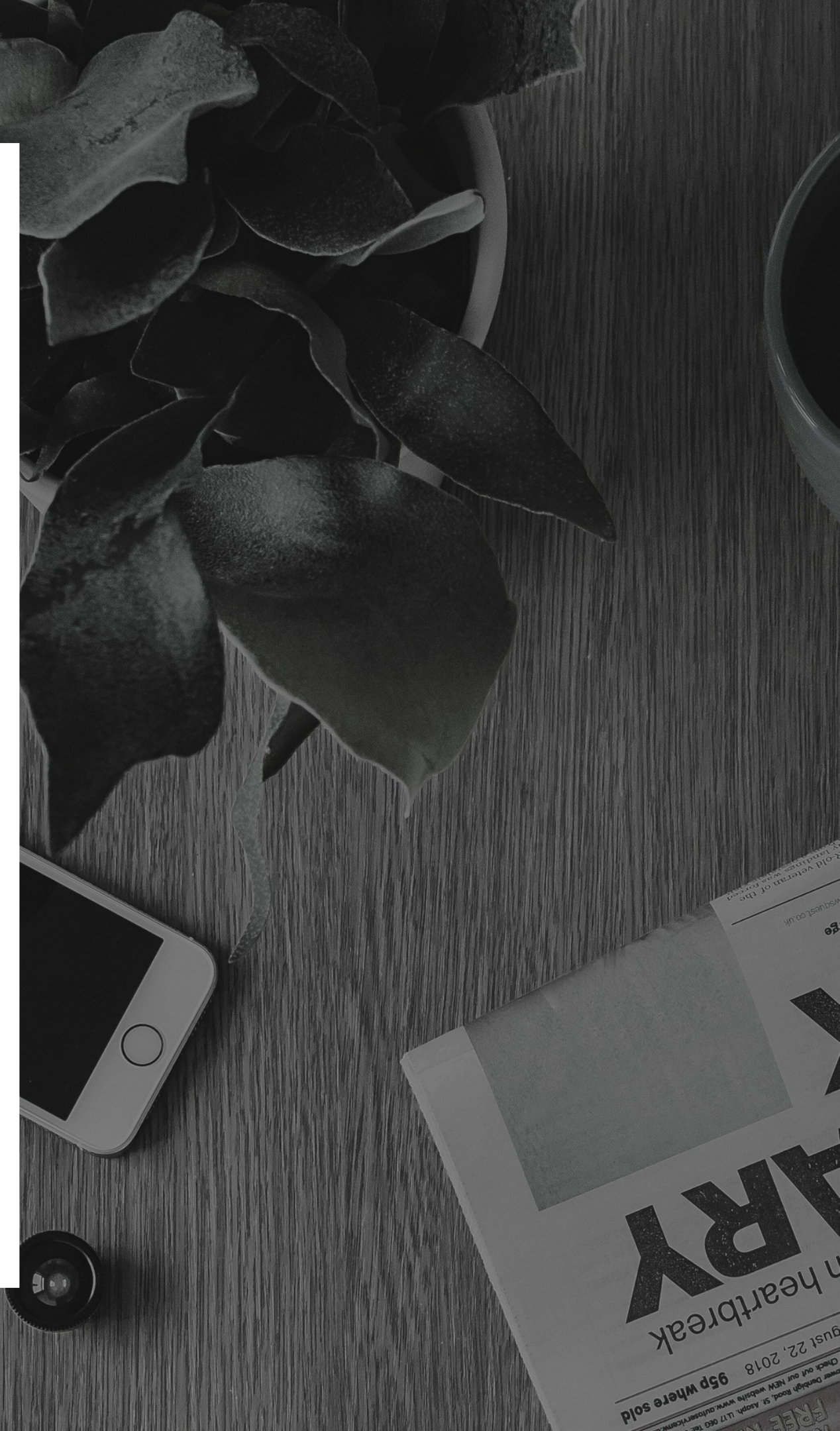




Employee Privacy and E-Monitoring in the Remote Workplace

Charles L. Slamowitz, Esq. and Lacey Gutierrez



ABOUT



Lacey is a Partner at the Eminence Group LLP. She advises on a range of privacy and product issues, focusing on the media and ad tech industries.

Lacey was previously in-house counsel at Hearst Corporation, Vox Media, and Group Nine Media.

Prior to going in house, Lacey helped clients build and assess their privacy programs for GDPR and CCPA as a privacy and cybersecurity consultant at UnitedLex Corporation.

The Eminence Group LLP is a boutique privacy, product, and telecommunications firm blending legal and consulting expertise.

ABOUT



Charles L. Slamowitz is a renowned leader and trailblazer in the disciplines of AI, Web3, and sustainable technologies. With an illustrious legal career, Charles' journey began by selling two tech startups and realizing the gap between the complexities of emerging tech and the lack of true legal expertise in existence.

Charles was counsel at Omnicom Media Group responsible for \$3BN annually and oversaw the overwhelming majority of all influencer deals with top brands, agencies and tech companies, including Tik Tok, Snap, Instagram, Google, and more.

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Update on Comprehensive State Laws



- CPRA remains the only comprehensive U.S. state privacy law to apply to employee data
- Employee data appears to be an enforcement priority for CPPA

State Laws
Regulating
Employee Data

New York has required employers to provide notice when monitoring employee internet use and communications since 2022

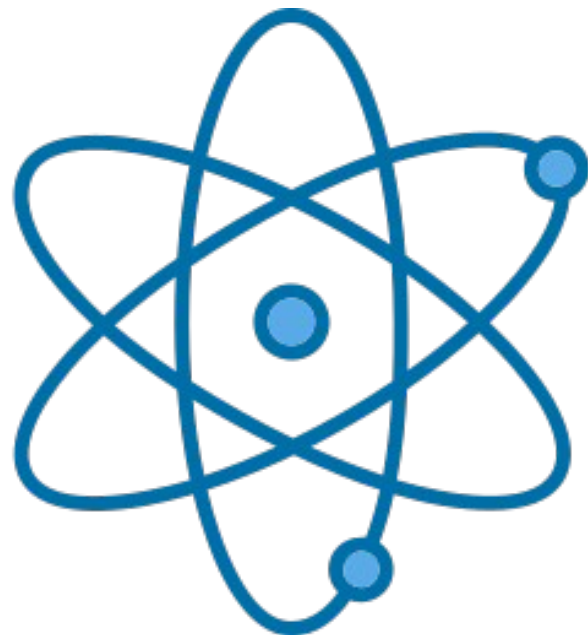
State Laws Regulating Employee Data

- As of March 2024, New York employers are also prohibited from requesting, requiring, or coercing an employee or job applicant into:
 - (1) disclosing the username, login information, and passwords of their personal accounts through an electronic communications device;
 - (2) accessing the employee's or applicant's personal account in the presence of an employer; or
 - (3) reproducing photos, video, or other information contained within a personal account obtained by means prohibited by this law, as a condition of hire, employment, or for use in a disciplinary action

State Laws Regulating Employee Data

California, Connecticut, Colorado, Illinois, Michigan, and New Jersey have also passed laws that regulate access to social media accounts belonging to employees and applicants

State Laws Regulating Biometrics and AI



- Consider state biometric laws such as BIPA if employee biometric data is being processed
- *Cothron v. White Castle* decision last year concerned employee biometric data
- Numerous state bills governing the use of AI in employment decisions, including the Colorado AI Act

Q&A, Closing Remarks

Thank you

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