

CAMERA PHONES MAY POSE SECURITY HEADACHES FOR EMPLOYERS

By: Joan M. Eagle

It is estimated that camera phone makers sold 8 million handsets last year and expect to sell 23 million sets this year. By some estimates, 12 to 26 million camera phones are currently in use, more than double the number since 2003. The growing popularity of camera phones poses security risks for businesses that have proprietary information which must be kept confidential.

Customer lists, designs, plans, new products, financial data and personnel records are easy targets for theft or espionage by employees intent on making mischief for their employers. Camera phone images of workplace entrances, exits, stairs and hallways may provide easy access to outsiders seeking unauthorized access to the premises. In addition, employees have used camera phones to infringe on the privacy of other employees.

Assuming there is no union contract that limits management rights, there is no state or case law that gives employees the right to use such camera phones and other similar technology in the workplace. Indeed, concerns about camera phone abuse have already resulted in bans on such devices at a number of workplaces, schools, gyms and courts of law.

Employers who fail to consider the possibility of disclosure of proprietary information or invasions of privacy by allowing camera phones in the workplace may be sticking their proverbial heads in the sand. To determine whether your company should have a policy regarding camera phones in the workplace, ask yourself the following questions:

1. Does your company have confidential documents, plans or information that it wishes to protect?
2. Does your company or certain of its employees have a tendency to download or circulate risqué materials or play perhaps inappropriate pranks on other employees?
3. Does your company have confidentiality and non-disclosure policies that cover the use or prohibition of handheld devices such as camera phones in the workplace or should you promulgate such policies?
4. Should all areas of your workplace be subject to a ban on camera phones or just certain areas?
5. Should your policy apply to everyone entering company premises, including customers and vendors, in addition to employees?
6. Should there be any exceptions to a general prohibition on camera phones in the workplace?



Employers should not wait for a problem to occur. The cost of promulgating an appropriate policy regulating the use of camera phones in the workplace is pittance compared with the cost of theft of trade secrets or a suit for invasion of privacy. A three-part solution to the problem includes: (1) establishing a policy and disseminating it to everyone who will be subject to it, either through your Employee Handbook or by a posted policy; (2) educating your workforce about the policy; and (3) enforcing the policy through your company's disciplinary procedures.

If you have any questions about prohibiting the use of camera phones in the workplace, please contact **Joan M. Eagle**, Chairperson of Schwartz Cooper's Employment Practice Group, at 312-845-5439 or jeagle@schwartzcooper.com, or your Schwartz Cooper attorney.