

Kwabena A. Appenteng

Shareholder

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Focus Areas

Workplace Privacy and Data Security
International Employment Law
Policies, Procedures and Handbooks
General Data Protection Regulation (GDPR)

Overview

Kwabena A. Appenteng counsels employers on a range of day-to-day employment issues with a focus on workplace privacy issues, including:

- Biometric data privacy issues
- Responding to security breaches
- State data protection laws
- Social media issues and drafting social media policies
- BYOD programs and electronic resources policies
- Surveillance of employees' electronic communications
- The Federal Wiretap Act
- The Federal Stored Communications Act
- Workplace searches
- Location tracking and use of GPS-enabled devices
- Background checks
- The Fair Credit Reporting Act (FCRA)
- The Health Insurance Portability and Accountability Act (HIPAA)
- The European Union Data Protection Directive
- The European General Data Protection Regulation

- Cross-border transfers of human resources data

Kwabena has been certified by the International Association of Privacy Professionals (IAPP) as a Certified Information Privacy Professional for the U.S. and Europe (CIPP/US; CIPP/E), which demonstrates his understanding of global concepts of privacy and data protection law and practice, and how these components apply in the workplace.

Kwabena is also experienced in representing clients in unfair competition and trade secret litigation, and regularly defends clients in employment discrimination actions in federal and state courts and before administrative agencies.

A frequent writer on privacy, social media, and unfair competition topics, Kwabena has been published in a variety of publications including *Law360*, *Inside Counsel Magazine*, and *SHRM*, and routinely speaks on employment related issues.

Prior to joining Littler, Kwabena was an associate in the Chicago office of another international labor and employment law firm. During law school, he served as an extern for the Hon. P. Scott Neville Jr. of the Illinois Appellate Court.

Professional and Community Affiliations

- Member, International Association of Privacy Professionals
- Member, National Employment Law Council
- Former Member, Business Services Advisory Board, Illinois Chamber of Commerce
- Former Member, Associate Board, The Chicago Committee on Minorities in Large Law Firms

Recognition

- Certified Information Privacy Professional, U.S. Private Sector, *International Association of Privacy Professionals*
- Certified Information Privacy Professional, Europe, *International Association of Privacy Professionals*
- Named, Rising Star, Illinois, *Super Lawyers*, 2013-2018
- Named, Emerging Lawyer, *Illinois Leading Lawyers*, 2015-2019
- Named, Trial Advocacy & Dispute Resolution Honors Board and Council, *John Marshall Law School*
- Phi Delta Phi Honors Society

Education

J.D., John Marshall Law School, 2008

B.A., Illinois Wesleyan University, 2004

Bar Admissions

Illinois

Courts

U.S. Court of Appeals, 7th Circuit
U.S. District Court, Northern District of Illinois
U.S. District Court, Central District of Illinois

Publications & Press

Illinois Ruling Highlights Risks of Biometric Identifier Use

HR Dive

January 29, 2019

Littler Elevates 28 Attorneys

Littler Press Release

January 2, 2019

Biometric Privacy Case Before Illinois Supreme Court Could Open Litigation Floodgates

Littler Insight

November 16, 2018

Biometric Privacy Case Before Illinois Supreme Court Could Open Litigation Floodgates

Washington Legal Foundation

November 15, 2018

Fourth Quarter 2018 Workplace Privacy Update

Littler Insight

September 17, 2018

Fourth-Quarter 2018 Workplace Privacy Update

Corporate Counsel

September 13, 2018

Workplace Privacy Issues Employers Should Monitor in 2018

Corporate Counsel Connect

February 1, 2018

Pressure Off for Now on Businesses Worried About BIPA Class Actions, Attorney Says

Cook County Record

January 23, 2018

Recent Illinois Appellate Court Ruling Could End The Recent Flood Of Class Action Lawsuits Against Employers Under Illinois' Biometric Information Privacy Act

Littler Insight

January 9, 2018

Discovery, Q&A Feature

Super Lawyers Magazine | Illinois

January 1, 2018

Attorney Says Second Circuit Decision in Illinois Biometric Data Case Provides Roadmap to Deal with Future Cases

Cook County Record

December 14, 2017

The Second Circuit Provides A Roadmap For Employers Defending Claims Under Illinois' Biometric Information Privacy Act

Littler Insight

December 6, 2017

Dear Littler: What Does Our Company Need To Do Before We Begin Using Biometric Timeclocks?

Dear Littler

December 6, 2017

Will You Know What To Do If Your HR Data Is Held Hostage?

TLNT

October 12, 2017

Navigating Global Payroll Under the Impending EU General Data Protection Regulation

Littler Insight

September 7, 2017

Navigating the Impending EU General Data Protection Regulation

Global Payroll Magazine

September 1, 2017

Investigating Employees' Social Media Activity: 3 Permissible Approaches For Employers

Inside Counsel

June 22, 2017

4 Steps HR Can Take To Protect Employee Medical Records

TLNT

April 14, 2017

5 Ways to Address Negative Social Media

Human Resource Executive Online

March 23, 2017

What to Do When Employee Medical Data Is Compromised

SHRM Online

November 17, 2016

Four States Expanded Employer Data Breach Notification Obligations in 2016

Littler Insight

September 23, 2016

NLRB Ruling in Social Media Case Provides Useful Guidance for Employers

Littler Insight

August 29, 2016

Ensuring Compliance Under New Ill. Security Breach Statute

Law360

June 3, 2016

Workplace Recording Bans and the NLRA: Are "No-Recording" Policies Still Allowed?

Littler Insight

February 18, 2016

The Art of Structuring Restrictive Covenants in Illinois

Law 360

February 18, 2016

Diversity is No Longer as Black and White as It Once Was

SHRM Online

February 1, 2016

California Supreme Court to Decide Whether Finding That UTSA Claim Was Filed in Bad Faith Can Revive a Previously Dismissed Malicious Prosecution Claim

IP Frontline

November 30, 2015

California Supreme Court to Decide Whether Finding That UTSA Claim Was Filed in Bad Faith Can Revive a Previously Dismissed Malicious Prosecution Claim

Littler Insight

November 17, 2015

Second Circuit Upholds NLRB's Triple Play Decision, Expanding Section 7 Protections for Employees' Social Media Activity

Littler Insight

October 30, 2015

The Defend Trade Secrets Act of 2015: Proposed Legislation Would Open the Federal Courthouse Door for Trade Secret Misappropriation Claims

Littler ASAP

August 12, 2015

Federal Court Split on Consideration Needed to Enforce a Restrictive Covenant in Illinois Remains Unresolved

Littler Insight

July 16, 2015

Seventh Circuit Update: Miller v. St. Joseph County

Federal Bar Association's Labor & Employment Law Section

June 1, 2015

Illinois Amendments to Eavesdropping Statute Signed Into Law

Society for Human Resource Management (SHRM)

January 12, 2015

More Immigrants, More Laws, More Work

Chicago Lawyer

May 2014

Court Finds No Job-Based Claim Under Title II of the ADA

Society for Human Resource Management (SHRM)

December 12, 2013

Diversity of a Different Kind

Profiles in Diversity Journal

April 30, 2013

Political Beliefs and Job Protection

Chicago Lawyer

April 2, 2013

World commerce enlarges legal puzzle

Chicago Lawyer

February 1, 2013

3 Tips for Employers Disciplining Employees For Social Media Activity

InsideCounsel

September 24, 2012

Barriers to a Borderless Market

Chicago Lawyer

September 1, 2012

Supervisor's Use of Epithets Supports Harassment Verdict

Society for Human Resource Management (SHRM)

August 20, 2012

4 tips for employers drafting social media policies

InsideCounsel

August 17, 2012

The British Take One Approach

Chicago Lawyer

July 1, 2012

What not to do when reviewing job applicants' social media pages

InsideCounsel

June 21, 2012

The Rising Global Law Firm

Chicago Lawyer

May 2012

A Radical New View of Restrictive Covenants in Illinois

Law360.com

January 27, 2012

Employing The Law

Chicago Lawyer

December 2011

The Deregulation Debate

Chicago Lawyer

October 2011

Tweeting at Your Own Risk?

Chicago Lawyer

August 2011

Our Own Quasi-Legal Revolution

Chicago Daily Law Bulletin

April 2011

The Death of the Junior Associate?

Chicago Lawyer

February 2011

The Law Needs to DREAM

Chicago Lawyer

November 2010

It's A Small (Legal) World At Local Law Firms

Chicago Daily Law Bulletin

April 21, 2010

An International Perspective

Chicago Lawyer

August 2009

Speaking Engagements

The Push and Pull of Workplace Technology: Anticipating and Minimizing Risks While Repeating the Benefits of the Latest Advances

2019 Chicago Employer Conference, Chicago, IL

May 30, 2019

Hot Topics: The California Consumer Privacy Act

The 2019 Executive Employer® Conference, Phoenix, AZ

May 2019

Getting Ahead Of The Curve: Strategies For Addressing The Latest Privacy And Information Security Developments In Today's Technology-Driven Workplace

2018 Rocky Mountain Employer Conference

September 21, 2018

Workplace Monitoring & Protecting Your Company: Privacy Risks and Information Security Concerns

National Business Institute, Chicago, IL
May 16, 2018

Regulating, Monitoring and Investigating Employees' Social Media Activity

Center for Competitive Management Webinar
December 12, 2017

Employee Monitoring: Protecting Your Workplace and Preserving Employees' Privacy Rights

National Business Institute, Chicago, IL
December 6, 2017

The Current State of Employment Laws Related to Social Media

National Bar Association Labor & Employment Section Annual Conference, Atlanta, GA
October 27, 2017

HIPAA and State Privacy Laws Governing Group Health Plan Data: Ensuring Compliance, Mitigating Risk

Center for Competitive Management Webinar
May 18, 2017

Wearables (and Other Technology) in the Workplace – and the Hidden Legal Risks

National Employment Law Council's Annual Conference, Denver, CO
April 27, 2017

Monitoring Your Workplace in the Digital Age: Privacy Considerations for Employers

National Business Institute, Chicago, IL
December 5, 2016

Human Resources Boot Camp: HIPAA Training

Client Seminar
November 9, 2016

Current Workplace Privacy Concerns (HIPAA & Wearables)

International Association of Privacy Professionals, Chicago, IL
October 11, 2016

Workplace Privacy and Data Security Update

National Business Institute, Chicago, IL
September 21, 2016

HIPAA Privacy In The Workplace

Client Seminar

September 14, 2016

Drafting Must-Have Policies for Today's Employee Handbooks

Thompson Information Services Webinar

November 18, 2015

Employment Law Update

National Business Institute (NBI)

June 10, 2015

Regulating Social Media in the Workplace

Illinois Chamber of Commerce Webinar

March 4, 2015

Imperative Information That Every Employee Handbook Should Contain

Human Resource Law from A to Z - National Business Institute

September 9, 2014

What To Do When The Government Pays You a Non-Social Visit

Illinois Chamber of Commerce Webinar

August 1, 2014

Books & Book Chapters

- *Littler on Data Protection and Release of Personal Information: HIPAA and Related Laws*, Littler National Employer Library, Co-author, 2017
- The Developing Labor Law Supplement, *Bloomberg BNA*, Dual Employer Operations: The “Double-Breasted” Issue, Chapter 13, Contributing author, 2013-2015