



## Philip L. Gordon

Shareholder  
Co-Chair, Workplace Privacy and Data  
Security Practice Group

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## Focus Areas

Workplace Privacy and Data Security  
Background Checks  
International Employment Law  
Unfair Competition and Trade Secrets  
Inclusion, Equity and Diversity  
General Data Protection Regulation (GDPR)

## Overview

Philip L. Gordon has more than 15 years of experience counseling clients on all aspects of workplace privacy and information security. He has provided advice to businesses of all sizes on:

- 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
- Social media
- Wearables and other new technologies affecting the workplace
- "Bring-your-own-device" programs
- The Health Insurance Portability and Accountability Act's (HIPAA) Privacy Rule, Security Rule, and Breach Notification Rule

- State and federal information security laws
- Responding to security breaches in compliance with federal and state data breach notification requirements
- The European Union General Data Protection Regulation
- Global data protection laws
- Cross-border transfers of human resources data
- Outsourcing
- The Genetic Information Nondiscrimination Act of 2008 (GINA)

The co-chair of Littler's Privacy and Data Security Practice Group, Philip writes extensively on workplace privacy issues and has given dozens of presentations on the topic. He has taught privacy and data protection law as an adjunct professor at the University of Colorado School of Law on several occasions. He currently serves on the Advisory Board of Georgetown University Law Center's Cybersecurity Law Institute. He received his undergraduate degree from Princeton University and his law degree from New York University School of Law and served as a judicial clerk on the United States Court of Appeals, 10th Circuit.

## Professional and Community Affiliations

- Member, Advisory Board, Bloomberg BNA's Privacy and Security Law Report
- Member, Advisory Board, Cybersecurity Law Institute, Georgetown University Law Center, 2014
- Co-Chair, Privacy and Data Protection Practice Group, Ius Laboris, 2010-2012
- Member, Advisory Board, University of Colorado School of Law's Silicon Flatirons Institute
- Former Member, Editorial Board, International Association of Privacy Professionals
- Former Member, Educational Advisory Board, International Association of Privacy Professionals

## Recognition

- Awarded, AV<sup>®</sup> Peer Review Rating, *Martindale-Hubbell*
- Named, The Best Lawyers in America<sup>®</sup>, 2013-2022
- Named, Top Rated Lawyer, Labor & Employment Law, *The American Lawyer & Corporate Counsel*, 2019
- Named, Who's Who of Management Labour and Employment Lawyers, *Who's Who Legal*, 2017, 2019-2020
- Named, Super Lawyer, Colorado, *Super Lawyers*, 2006-2019
- Named, Best Law Firm Writer, *The Burton Awards*, 2013, 2016

## Education

J.D., New York University School of Law, 1989

B.A., Princeton University, 1984

## Bar Admissions

Colorado

## Courts

U.S. District Court, District of Colorado

## Publications & Press

### **Proposed Regulations Clarify Data Privacy Rules in California**

*SHRM Online*

June 8, 2022

### **Trans-Atlantic Framework Would Ease EU-to-US Data Flows**

*SHRM Online*

May 24, 2022

### **New York's New Notice of Electronic Monitoring Goes into Effect on May 7, 2022**

*Littler ASAP*

May 6, 2022

### **Littler Survey: Competitive Talent Market and Pandemic Uncertainty Complicate Return-to-Office Policies**

*Littler Press Release*

May 4, 2022

### **The Littler Annual Employer Survey 2022**

*Littler Report*

May 4, 2022

### **Is Use of Employee Monitoring Contributing to the Great Resignation?**

*SHRM Online*

March 14, 2022

### **Vaccine Mandates: Balancing Privacy and Public Health in the U.S.**

*CPO Magazine*

February 8, 2022

### **Turn on the Lights: New York Mandates Transparency in Electronic Monitoring**

*Littler Insight*

November 11, 2021

### **CPRA Preparation: Action Steps**

*Littler Podcast*

October 27, 2021

**CPRA Vendor Management**

*Littler Podcast*

October 14, 2021

**CPRA Enforcement**

*Littler Podcast*

September 29, 2021

**CPRA Individual Rights**

*Littler Podcast*

August 30, 2021

**Best Lawyers in America® 2022 Edition Honors More Than 240 Littler Lawyers**

*Littler Press Release*

August 19, 2021

**CPRA and Information Security**

*Littler Podcast*

August 16, 2021

**CPRA: Background, Notice at Collection, and Website Privacy Policy**

*Littler Podcast*

August 4, 2021

**EU Adopts New Standard Contractual Clauses for Data Transfers**

*SHRM Online*

July 28, 2021

**As Colorado and Virginia Follow California's Lead in Enacting Data Privacy Laws, Employers Must Start Planning to Address an Inevitable Trend**

*Littler Insight*

July 8, 2021

**The European Union's New Standardized Data Transfer Agreement: Implications for Multinational Employers**

*Littler Insight*

June 9, 2021

**Key Takeaways from the EEOC's Updated Guidance Regarding COVID-19 Vaccinations, Incentives**

*Littler Insight*

June 1, 2021

**Littler Survey: Employees Want Remote and Hybrid Work More Than Employers Do**

*Littler Press Release*

May 12, 2021

**The Littler Annual Employer Survey 2021**

*Littler Report*

May 12, 2021

**Return to office ‘a perfect storm’ of privacy issues for businesses**

*IAPP*

April 27, 2021

**Employers Should Monitor Changes to COVID-19 Testing Guidelines**

*SHRM Online*

February 9, 2021

**Most Employers Unlikely To Mandate COVID-19 Vaccination, Littler Survey Finds; Employee Relations Concerns Abound**

*Littler Press Release*

February 9, 2021

**The Littler COVID-19 Vaccine Employer Survey Report**

*Littler Report*

February 9, 2021

**Littler Elects Seven New Members to 2021 Board of Directors**

*Littler Press Release*

January 21, 2021

**Substantial New Privacy Obligations for California Employers: The California Privacy Rights and Enforcement Act of 2020**

**Passes at the Polls**

*Littler Insight*

November 5, 2020

**Employers Likely to Receive One-Year Reprieve from Full California Consumer Privacy Act**

*Littler Insight*

September 3, 2020

**Brave New World: 5 Ways COVID-19 Is Changing E-Discovery**

*LegalTech News*

August 21, 2020

**Best Lawyers in America© 2021 Edition Honors More Than 250 Littler Lawyers**

*Littler Press Release*

August 20, 2020

**With COVID-19 Resurgent, Employers Confront Privacy and Information Security Issues When Testing Employees for COVID-19**

*Littler Insight*

August 3, 2020

**'Schrems II' and Transfers of HR Data: Action Steps for US Multinationals**

*National Association of Privacy Professionals*

July 22, 2020

**EU's Highest Court Upends Personal Data Transfers to the United States: Action Steps for U.S. Multinational Employers to Keep HR Data Transfers on Track**

*Littler Insight*

July 20, 2020

**Landmark Decision by Europe's Top Court Jeopardizes U.S. Multinationals' Transfers of HR Data from the European Union to the United States**

*Littler ASAP*

July 16, 2020

**The Biometric Time and Attendance System Laws You Should Know**

*Business News Daily*

June 11, 2020

**OSHA revises guidance on tracking COVID-19 in the workplace**

*International Association of Privacy Professionals*

June 1, 2020

**The Next Normal: A Littler Insight on Returning to Work – Privacy and Data Security Implications of Employee Screening**

*Littler Insight*

April 27, 2020

**Frequently Asked Questions on Workplace Privacy and COVID-19**

*Littler Insight*

March 31, 2020

**How to Comply With Illinois' First In the Nation AI Video Interview Law**

*TLNT*

September 30, 2019

**Employers receive last-minute reprieve from the most onerous CCPA compliance obligations**

*IAPP.org*

September 17, 2019

**Employers Receive Last-Minute Reprieve From The Most Onerous CCPA Compliance Obligations**

*Littler Insight*

September 17, 2019

**Implementing Illinois' AI Video Interview Act: Five Steps Employers Can Take to Address Hidden Questions and Integrate Policies with Existing Employment Laws**

*Littler Insight*

September 17, 2019

**California Legislative Update: 6 Bills Employers Should Be Tracking**

*SHRM Online*

September 9, 2019

**The New York SHIELD Act: What Employers Need to Know**

*SHRM Online*

August 28, 2019

**California Employers Should Be Tracking These 6 Bills**

*SHRM Online*

August 27, 2019

**Spanish Case Highlights Need for Workplace-Device Policies**

*SHRM Online*

August 19, 2019

**The New York SHIELD Act: What Employers Need To Know**

*Littler Insight*

August 19, 2019

**Best Lawyers in America© 2020 Edition Honors More Than 200 Littler Lawyers; 14 Named Lawyer of the Year**

*Littler Press Release*

August 15, 2019

**Fitbits and other wearables may not accurately track heart rates in people of color**

*STAT News*

July 24, 2019

**Colorado Limits Inquiries About Applicants' Criminal History**

*Littler Insight*

June 12, 2019

**The Biometric Time and Attendance System Laws You Should Know**

*Business News Daily*

June 10, 2019

**What Should Employers Do About the California Consumer Privacy Act?**

*SHRM Online*

June 5, 2019

**What Should Employers do About the CCPA?**

*Littler Insight*

April 29, 2019

**What Should Employers Do About the CCPA?**

*IAAP.org*

April 29, 2019

**Software, Training Key to Fending Off Employee Data Breaches**

*Legaltech News*

March 29, 2019

**Monitoring Workers in the European Union**

*SHRM Online*

March 16, 2019

**L&D Can Help Employees Protect Their Personally Identifiable Information**

*HR Dive*

March 5, 2019

**5 Tips For Crafting A Compliant Workplace Biometric Policy**

*Law360*

January 30, 2019



**Illinois Ruling Highlights Risks of Biometric Identifier Use**

*HR Dive*

January 29, 2019

**Illinois high court takes on biometrics privacy case**

*Business Insurance*

January 8, 2019

**Portable Devices Create Data-Security Challenges**

*SHRM Online*

November 20, 2018

**Employees Are Key to Curbing Data-Breach Risks**

*SHRM Online*

November 20, 2018

**Create a Cross-Functional Team to Combat Data Security Issues**

*SHRM Online*

November 20, 2018

**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

**What Construction Attys Must Know About Tracking Tech**

*Law360*

November 2, 2018

**New Amendment May Soon Affect FCRA Pre-Adverse Action Notice Requirements**

*Littler Insight*

August 30, 2018

**Use of Biometric Data Grows, Though Not Without Legal Risks**

*SHRM Online*

August 23, 2018

**Best Lawyers in America© 2019 Edition Honors More Than 200 Littler Lawyers**

*Littler Press Release*

August 15, 2018

**Labor of Law: Watching SCOTUS: What's In the Wings? | CBS Hires Covington, Debevoise | Plus: Our L&E Water Cooler Roundup**

*Law.com*

August 2, 2018

**Unraveling the Newest Development in the Data Protection Juggernaut: What Does the "California Consumer Privacy Act of 2018" Mean for Employers?**

*Littler Insight*

July 9, 2018

**Littler Attorneys Named in 2018 Who's Who Legal Labour, Employment & Benefits Guide**

*Littler Press Release*

June 5, 2018

**Podcast: Why the EU's General Data Protection Regulation Matters for US Employers**

*XpertHR*

April 26, 2018

**Bon Appetit! Cyber Regs Are a Mouthful**

*Leader's Edge*

April 1, 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

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

*Dear Littler*

December 6, 2017

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

*Littler Insight*

December 6, 2017

**Littler Attorneys Named in 2017 Who's Who Legal Guide**

*Littler Press Release*

September 28, 2017

**Vendor Breaches and Their Implications for Employers**

*Littler Insight*

September 15, 2017

**The Next HR Data Protection Challenge: What U.S. Multinational Employers Must Do To Prepare for the European Union's Impending General Data Protection Regulation**

*Littler Insight*

September 13, 2017

**European Human Rights Ruling Provides Insights on Privacy for U.S. Companies**

*Legaltech News*

September 11, 2017

**Yahoo Ruling Forces Employers To Review Monitoring Policies**

*Law360*

September 11, 2017

**Yahoo Ruling Forces Employers To Review Monitoring Policies**

*Law360*

September 11, 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

**Best Lawyers in America® 2018 Edition Honors More Than 200 Littler Lawyers**

*Littler Press Release*

August 17, 2017

**Looking for a Job? First, Clean Up Your Social Media Presence**

*Consumer Reports*

August 1, 2017

**Amendment to Japan's Omnibus Data Protection Law Means New Compliance Requirements for U.S. Multinational Employers With Operations in Japan**

*Littler Insight*

July 5, 2017

**Collaboration Between HR and IT Essential to Data Security**

*Bloomberg BNA*

May 23, 2017

**Helping To Protect Your Company From A Cyber-Attack: Eight Tips For Human Resources Professionals And In-House Employment Counsel**

*Littler ASAP*

May 18, 2017

**Littler Survey Reveals Employers Caught in a Tangled Web of Federal, State and Local Laws**

*Littler Press Release*

May 11, 2017

**Security Breach Notification Becomes More Complex For Employers**

*Littler Insight*

April 24, 2017

**It's W-2 Phishing Season: How to Stop, and Respond to, Tax-Related Identity Fraud Aimed at Your Organization's Employees**

*Littler Insight*

March 7, 2017

**Lawmaker seeks to roll back Austin's 'Ban the Box' hiring rule**

*Watchdog.org*

December 14, 2016

**Trump's 10th Cir. SCOTUS Contenders Lack Privacy History**

*Bloomberg Law: Privacy & Data Security*

December 12, 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

**The Best Lawyers in America® Honors More Than 180 Littler Lawyers in Its 2017 Edition**

*Littler Press Release*

August 16, 2016

**Wearable Technology That Monitors Workers Could Lead to Legal Problems for Employers, Lawyers Say**

*ABA Journal*

August 9, 2016

**What the EU-U.S. Privacy Shield Means for HR Data**

*SHRM Online*

July 18, 2016

**The Privacy Shield: What U.S. Multinational Employers Need To Know To Enjoy The Benefits Of The Newest EU-U.S. Data Transfer Mechanism**

*Littler Insight*

July 13, 2016

**Philadelphia Becomes the First Jurisdiction in 2016 to Restrict Employers from Using Credit Information in Employment Decisions**

*Littler Insight*

June 20, 2016

**The EU's GDPR and its Impact on Multinational Employers: Q&A with Philip Gordon of Littler Mendelson**

*Corporate Compliance Insights*

June 13, 2016

**Connecticut Becomes the Third Jurisdiction in 2016 to "Ban the Box"**

*Littler Insight*

June 3, 2016

**How Companies of All Sizes Can Prevent a Data Breach**

*ebi Screening News Network*

May 26, 2016

**U.S. Supreme Court Holds Not Every Violation of a Federal Statute is a Ticket to File a Federal Court Lawsuit**

*Littler Insight*

May 17, 2016

**FTC Releases Updated FCRA Guidance On Background Checks**

*Littler ASAP*

May 11, 2016

**Littler Attorneys Selected as Recipients of "2016 Distinguished Legal Writing Award"**

*Littler Press Release*

April 14, 2016

**Securing Your Device: BYOD Platforms for Legal**

*Legaltech News*

April 11, 2016

**Austin Becomes the First City in Texas to "Ban the Box"**

*Littler ASAP*

March 25, 2016

**Data Transfer Hurdles Have Companies Hedging Bets**

*Wall Street Journal*

March 23, 2016

**The Morning Risk Report: Privacy Compliance Storm Brews in Europe**

*The Wall Street Journal*

March 21, 2016

**As Wearables in Workplace Spread, So Do Legal Concerns**

*The Wall Street Journal*

March 13, 2016

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

*Littler Insight*

February 18, 2016

**EU Privacy Regulators: Newly Announced "Privacy Shield" Not A Safe Harbor Yet**

*Littler ASAP*

February 4, 2016

**EU and US Beat the Clock With Their Announcement of the "Privacy Shield" a/k/a Safe Harbor 2.0**

*Littler ASAP*

February 3, 2016

**Ten Steps For U.S. Multinational Employers Towards Compliance With Europe's New Data Protection Framework – The General Data Protection Regulation**

*Littler Insight*

January 21, 2016

**New Jersey Agency Issues Regulations on Statewide “Ban-the-Box” Law**

*Littler Insight*

January 20, 2016

**EU Court Draws Fine Line For Employee Monitoring Programs**

*Law360*

January 15, 2016

**The Transformation of the Workplace Through Robotics, Artificial Intelligence, and Automation**

*Littler Report*

August 4, 2016

**6 Ways Your Smartphone Could Get You Into Legal Trouble**

*Legaltech News*

December 23, 2015

**Portland, Oregon Bans the Box**

*Littler Insight*

December 3, 2015

**Leverage HR to Address Risk of Data Breach**

*Today's General Counsel*

December 1, 2015

**Lawful Cross-Border Transfers of Employees' Personal Data: EU Commission's Communication on the Invalidation of Safe Harbor 1.0 Suggests Safe Harbor 2.0 is on the Horizon**

*Littler Insight*

November 11, 2015

**Recent Amendments to Security Breach Notification Laws Further Complicate Breach Notification for Employers**

*Littler Insight*

November 4, 2015

**Reversal of Facebook Firings Casts New Light on Social Media Policies**

*Business Insurance*

November 3, 2015

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

*Littler Insight*

October 30, 2015

**Keep Personal and Business E-Mails Separate**

*SHRM Online*

October 14, 2015

**E.U. Order Complicates Multinational Personal Data Sharing for Thousands of Firms**

*Business Insurance*

October 13, 2015

**What Does the European Court of Justice's Invalidation of the U.S.-EU Safe Harbor Framework Mean For U.S.-Based Multinational Employers?**

*Littler Insight*

October 7, 2015

**Ad Hoc BYOD Policies Leave Employers Vulnerable**

*Society for Human Resource Management (SHRM)*

August 24, 2015

**Littler Attorneys Recognized in the Best Lawyers in America© 2016 Edition**

*Littler Press Release*

August 18, 2015

**The Big Move Toward Big Data in Employment**

*Littler Report*

August 4, 2015

**'Devious' Case Shines Spotlight on GINA**

*Law Week Colorado*

July 13, 2015

**Oregon to Become the Latest State to Ban the Box**

*Littler ASAP*

June 22, 2015

**Trendsetter or Outlier? Oregon Adds New Twist to Password Protection Laws**

*Littler ASAP*

June 18, 2015



**Oregon to Employers: No, You Can't Make Workers Have a Facebook Account**

*PayScale*

June 17, 2015

**Connecticut Restricts Employer Access to Personal Social Media, E-mail and Online Retail Accounts of Employees and Applicants**

*Littler Insight*

May 27, 2015

**Va.: Password Protection Law Continues Trend Toward Increasing Protection of Personal Online Accounts**

*Society for Human Resource Management (SHRM)*

April 1, 2015

**Virginia's Password Protection Law Continues the Trend Toward Increasing Legislative Protection of Personal Online Accounts**

*Littler Insight*

March 30, 2015

**The E-Workplace: Internet Security, Privacy & Social Media Policies**

March 3, 2015

**Illinois' Newly Amended Eavesdropping Statute Poses Challenges for Employers**

*Littler ASAP*

January 27, 2015

**Ring in the New Year with Four Ban-The-Box Laws**

*Littler ASAP*

January 26, 2015

**NLRB says workers can use company email to organize**

*Thomson Reuters Westlaw Journal – Employment*

January 21, 2015

**The Brave New World of Wearables in the Workplace: Privacy and Data Security Concerns for Employers**

*Bloomberg BNA Privacy & Security Law Report*

January 19, 2015

**NLRB Push Forces Rethinking of Social Media Policies**

*Compliance Week*

January 13, 2015

**Sony Pictures Data Breach Underscores Employer Cyber Security Risks, Attorney Says**

*Bloomberg BNA Human Resources Report*

December 22, 2014

**HR Should Take the Lead on Cybersecurity**

*Society For Human Resources (SHRM)*

December 22, 2014

**NLRB Ruling Gives Unions Advantage in E-Mail Organizing**

*National Legal and Policy Center*

December 19, 2014

**NLRB Creates Right to Use Corporate E-Mail to Organize and to Complain About Work: Ten Key Implications for Employers**

*Littler Insight*

December 15, 2014

**Columbia Missouri Joins the Ranks of Ban-the-Box Jurisdictions**

*Littler ASAP*

December 15, 2014

**Four New Laws Within 40 Miles: The Washington, DC Area Accelerates the "Ban-the-Box" Movement**

*Littler Insight*

December 2, 2014

**NLRB Charge Expands Data Breach Duties For Unionized Cos.**

*Law360.com*

November 14, 2014

**California Takes the Lead Again in Data Breach Laws**

*Littler ASAP*

October 3, 2014

**Attorneys Highlight Privacy, Data Security Court Milestones Worthy of a Closer Look**

*Bloomberg BNA Privacy & Security Law Report*

September 15, 2014

**NLRB's Recent Triple Play Decision Tackles Two Critical Social Media Issues for Employers**

*Littler Insight*

September 2, 2014

**Ten Tips for Preparing an Effective Acceptable Use Policy**

*Littler ASAP*

September 2, 2014

**Facebook Fan Page Manager Didn't Own Over 6 Million Likes on Site, Court Holds**

*Bloomberg BNA Social Media Law & Policy Report*

August 27, 2014

**Littler Attorneys Included in the Best Lawyers in America© 2015 Edition**

*Littler Press Release*

August 18, 2014

**As 'Ban The Box' Widens, Employers Review Criminal Screens**

*Law360.com*

August 15, 2014

**NY Employers Likely To Respect NJ's New 'Ban The Box' Law**

*Law360.com*

August 13, 2014

**New Jersey Law Continues Nationwide "Ban-the-Box" Trend**

*Littler ASAP*

August 12, 2014

**New Jersey's "Opportunity to Compete Act" Continues the Nationwide "Ban-the-Box" Trend**

*Littler Insight*

August 12, 2014

**Rhode Island Enacts New Legislation Prohibiting Employers' Access to Personal Online Content**

*Littler ASAP*

August 4, 2014

**Reasonable expectations**

*InsideCounsel*

August 1, 2014

**Six Recent NLRB Cases Provide Further Insight on Structuring Employers' Social Media Policies**

*Littler Insight*

July 23, 2014

**Federal/State Activity, ACA, Privacy and Whistleblowing Most Concern Employers, Says Survey**

*HR Compliance Expert*

July 23, 2014

**Five Recent NLRB Cases Provide Further Insight On Structuring Employers' Social Media Policies**

*Bloomberg BNA Social Media Law & Policy Report*

July 22, 2014

**ACA, data security create regulatory hurdles for employers**

*Employee Benefit News*

July 17, 2014

**Corporate Departments Go International**

*Law Week Colorado*

July 14, 2014

**Court Cites Riley v. California in Civil Case Denying Inspection of Ex- Employees' Phones**

*Bloomberg BNA Privacy & Security Law Report*

July 14, 2014

**Five Lessons for Employers from California v. Riley**

*Littler Insight*

July 10, 2014

**5 Lessons For Employers From California v. Riley**

*Law360.com*

July 10, 2014

**Littler Survey Reveals Impact on Employers of a Divided Government, Myriad Forces Reinventing the Workplace**

*Littler Press Release*

July 8, 2014

**Employers Beware: Use Credit Checks At Own Risk**

*Law360.com*

June 17, 2014

**Public-Sector, Industry Answer; What Would You Change About Government?**

*Government Technology*

June 17, 2014

**Define 'Reasonable' When It Comes to Data Security**

*Corporate Counsel*

June 11, 2014

**Oklahoma and Louisiana Become the Latest States to Enact Social Media Password Protection Laws**

*Littler Insight*

June 10, 2014

**"Reasonable" Data Security: The FTC's Guideposts for Employers**

*Littler ASAP*

June 9, 2014

**'Free Speech' Can Be Costly in the Workplace**

*Workforce*

June 1, 2014

**A Tale of Two Cities: Rochester Follows Buffalo to Ban the Box**

*Littler ASAP*

May 27, 2014

**Rochester, New York Joins The "Ban-the-Box Movement"**

*Littler Insight*

May 27, 2014

**As Employees Use Smartphones to Record, Companies Try to Keep Up**

*Society for Human Resource Management (SHRM)*

May 27, 2014

**New Wearable Devices Offer Unprecedented Employee Information, Raise Privacy Issues**

*Bloomberg BNA Human Resources Report*

May 23, 2014

**States Continue Banning Employer Access to Social Media**

*Government Technology*

May 21, 2014

**Baltimore Becomes the 10th Jurisdiction To "Ban The Box"**

*Littler ASAP*

May 16, 2014

**Tennessee Joins the Growing List of States Limiting Employers' Access to Personal Online Content**

*Littler Insight*

May 13, 2014

**Data protection and privacy laws**

*Financier Worldwide Magazine*

May 1, 2014

**Using online information against employees and applicants carries legal risks**

*Business Insurance*

April 13, 2014

**NLRB keeps an eye out for employer backlash on workers' social media posts**

*Business Insurance*

April 13, 2014

**Illinois Supreme Court Strikes Down Prohibition on Non-Consensual Audio Recordings, Raising New Issues for Employers**

*Littler Insight*

March 26, 2014

**EEOC, FTC Deliver Wakeup Call On Background Checks**

*Law360.com*

March 17, 2014

**Prepare for Employee Data Breach**

*Society for Human Resource Management (SHRM)*

March 4, 2014

**More CNIL Guidance for Multinationals Seeking to Comply with SOX & Dodd-Frank**

*Littler Insight*

March 4, 2014

**San Francisco's Board of Supervisors "Bans The Box" and Further Complicates Criminal History Checks by the City's Employers**

*Littler ASAP*

February 10, 2014

**Order Striking Provisions of Hospital Code Of Conduct Provides Lessons for Employers**

*Bloomberg BNA Health Law Reporter™*

February 6, 2014

**BYOD? Leaving a Job Can Mean Losing Pictures of Grandma**

*The Wall Street Journal*

January 21, 2014

**Employers Facing New Workplace Privacy Hurdles**

*Corporate Counsel*

January 21, 2014

**NJ Bridge Debacle Disrupts Protocols For Employee Email**

*Law360.com*

January 14, 2014

**Meet GINA, a Privacy Act in Disguise**

*Corporate Counsel*

January 8, 2014

**Workplace Privacy 2014: What's New and What Employers May Expect**

*Littler Insight*

January 7, 2014

**Recent Class Action Lawsuits Shine The Spotlight On The Camouflaged Privacy Law: GINA**

*Littler ASAP*

December 10, 2013

**Workers Recording Workers**

*Human Resource Executive Online*

November 26, 2013

**Death of the Box: Why the Criminal History Question on Job Applications Is Heading Towards Extinction**

*Littler ASAP*

November 13, 2013

**ALJ Holds Employers Can Ban "Gotcha" Audio Recordings From The Workplace**

*Littler ASAP*

November 6, 2013

**US patchwork of social media laws creates confusion**

*Privacy Laws & Business International Report*

October 1, 2013

**What's in a "Like"? Precedent-Setting Case Poses New Risk for Employers**

*Littler Insight*

September 25, 2013

**5 Critical "To Do's" Before the Next HIPAA Compliance Deadline: September 23, 2013**

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*Littler Insight*

May 1, 2005

**Michigan Becomes the First State in the Nation to Open the Door to Potential Employer Liability for Workplace Identity Theft**

*Littler Insight*

April 15, 2005

**How to Win the Battle Over Electronic Discovery**

*Littler Report*

April 13, 2005

**HR's Role in HIPAA Security Compliance**

*Littler Insight*

March 16, 2005

**Evaluating the Evolving Options for Trans-Atlantic Transfers of Human Resources Data**

*BNA Special Publication*

2005

**HR Outsourcing: Your Firm's Sensitive Data Could Be At Risk**

*Denver Business Journal*

July 2004

**Incidence of Workplace Identity Theft Signals Need for Proactive Measures**

*New York Law Journal*

December 15, 2003

**California Supreme Court Sets New Standard for Protecting Corporate e-Mail Systems from Unauthorized Communications**

*Littler Insight*

July 31, 2003

**The Next Great Trans-Atlantic Voyage: European Laws Protecting Human Resources Data Arrive on America's Shores**

*Littler Report*

March 26, 2002

**On July 1, 2002, a New California Law Will Place Additional and Dramatic Limitations Upon a Company's Use of the Social Security Numbers of Customers and Employees**

*Littler Insight*

March 1, 2002

## **Speaking Engagements**

**Finding the Cure for Data Protection Overload: Practical Solutions for Managing the Onslaught of New U.S. and Global Data Protection Laws**

Littler Executive Employer Conference

May 5, 2022

**California Privacy Rights Act Workshop: Practical Steps for Compliance with Human Resources Data**

Littler Executive Employer Conference

May 4, 2022

**California Privacy Rights Act - Steps To Take Now: Project Planning, Vendor Contracting, and Data Retention and Security**

April 14, 2022

**Time to Get Ready! Key Steps for Employers to Address Compliance with the California Privacy Rights Act**

February 3, 2022

**2021 Rocky Mountain Virtual Regional Employer Conference**

Denver, CO

October 6, 2021

**Panelist: Return to Office Privacy and Employment**

IAPP KnowledgeNet, Dallas and Northern New England

July 27, 2021

**The Pandemic May Be Coming to an End, but New State Privacy Laws and Remote Work Complications Ensure that Data Protection Challenges Will Continue**

2021 Littler Executive Employer Conference

May 12, 2021

**How To Implement a Legally Compliant Workplace COVID-19 Testing Program While Waiting for the Vaccine To Arrive**

February 16, 2021

**2020 Rocky Mountain Virtual Employer**

November 18, 2020

**The COVID-19 Testing Conundrum: What Employers Need to Know to Develop an Effective and Lawful Testing Program**

October 7, 2020

**Getting Ready for Brazil's New Data Protection Law (LGPD)**

August 6, 2020

**The New York SHIELD Act, California Consumer Privacy Act, and Data Security for Employers: HR's Role in Building a Compliant Data Security Program**

March 4, 2020

**The California Consumer Privacy Act: What Employers Need to Know and Do Before the January 1, 2020 Compliance Deadline**

November 14, 2019

**BYOD, the Cloud and Beyond: Managing the Risks of the Remote Workforce**

2019 Rocky Mountain Employer Conference, Denver, CO

October 4, 2019

**Anticipating and Beating the Risks of the Latest Wave of Technology Entering the Workplace**

2019 Executive Employer Conference, Phoenix, AZ

May 9, 2019

**The New Brazilian Data Protection Law and Lessons Learned from the EU and U.S. Experience - Rio de Janeiro**

Mattos FilhoPraia do Flamengo, 200 – 11<sup>º</sup> andarRio de Janeiro, Brazil

February 21, 2019

**The New Brazilian Data Protection Law and Lessons Learned from the EU and U.S. Experience - Sao Paulo**

Mattos FilhoAl. Joaquim Eugênio de Lima, 447Sao Paulo, Brazil

February 20, 2019

**Legal and Practical Guidance for Protecting Employer Data: A Discussion on the GDPR and Privacy Issues in the Workplace**

Indianapolis, IN

December 5, 2018

**2018 Ohio Regional Employer Conference**

Cleveland, OH

October 18, 2018



**The EU General Data Protection Regulation: What are the implications for your organization? Even if it's not a multinational employer?**

Tysons Corner, VA

October 11, 2018

**Getting Ahead of the Curve: Strategies for Addressing the Latest Privacy and Information Security Developments in Today's Technology-Driven Workplace**

Rocky Mountain Employer

September 21, 2018

**Three Weeks and Counting: Key Action Items for U.S. Multinational Employers Before Enforcement of the EU's New General Data Protection Regulation Begins**

Littler Executive Employer, Phoenix, AZ

May 3, 2018

**Is Your Company Prepared for GDPR? Advanced Session**

New York, NY

March 29, 2018

**Is Your Company Prepared for GDPR? Beginner Session**

New York, NY

March 28, 2018

**Data Privacy in the EU: Status of the EU/US Privacy Shield and Preparing for the Advent of the EU's General Data Protection Regulation**

Association of Corporate Counsel (ACC) Webinar

October 31, 2017

**How to Screen out the "Employee from Hell" Without Having to Litigate Against the "Applicant from Hell"**

Littler Rocky Mountain Employer Conference

October 3, 2017

**Meeting The Next HR Data Protection Challenge: What Multinational Employers Must Do Before The EU's Upcoming General Data Protection Regulation (GDPR) Takes Effect**

September 28, 2017

**Managing HR Data Globally Without Violating the EU's New General Data Protection Regulation (GDPR) and Other International Data Protection Laws**

Pittsburgh, PA

September 19, 2017

**Combatting The Insider Threat**

Pittsburgh, PA

September 19, 2017

**The Insider Threat: Enhancing Data Stewardship to Protect Your Information Assets**

June 13, 2017

**One-Year Countdown: Get Ready for Europe's New Data Protection Framework Before It's Too Late**

May 11, 2017

**The Insider Threat: Protecting Information Assets Through Data Stewardship and Continuous Risk Monitoring**

December 1, 2016

**Inaugural Canada Conference**

Toronto, ON

November 21, 2016

**Second Annual Mexico Conference - Mexico City**

México City

October 5, 2016

**Segunda Conferencia Anual en México - Ciudad de México**

México City

October 5, 2016

**Second Annual Mexico Conference - Monterrey**

Monterrey, NLE

October 4, 2016

**Segunda Conferencia Anual en México - Monterrey**

Monterrey, NLE

October 4, 2016

**The Insider Threat: Enhancing Data Stewardship to Protect Your Information Assets**

Rocky Mountain Employer Conference

September 21, 2016

**2016 Rocky Mountain Employer Conference**

Denver, CO

September 21, 2016

**Privacy Shield, GDPR, and Brexit: Their Impact on U.S. Multinational Employers' Cross-Border Transfers of Employee Personal Data**

Denver, CO

August 18, 2016

**The Insider Threat: Enhancing Data Stewardship to Protect Your Information Assets**

May 5, 2016

**The Cross-Border Conundrum: How Can Multinationals Centralize Their HR Data to Comply with the Multitude of International Data Protection Laws?**

The 2016 Executive Employer® Conference, Scottsdale, AZ

May 5, 2016

**The Impact of Technology on Workplace Privacy, Information Security and Your Company's IP Assets**

May 4, 2016

**Employee Privacy in Europe: Where Does Europe Stand with Privacy Shield and the General Data Protection Regulation**

April 27, 2016

**Europe's Changing Landscape for Global Employers: Insights into US-EU Safe Harbor 2.0, The EU's New General Data Protection Regulation and other European Employment Law Changes**

February 2, 2016

**Security Breach Response: How To Comply With The Multitude Of Breach Notification Laws, While Protecting Your Organization From The Fallout**

2015 PPN Health Access Executive Briefing Conference, Sacramento, CA

December 1, 2015

**Data Breach And Security Issues**

2015 SWBA Conference

November 13, 2015

**The New "New Digital Workplace": What's Next And What Should Employers Do To Prepare?**

2015 All Hands Meeting

October 28, 2015

**Cyber Security for The Mid-Market**

2015 CEO Mid-Market Conference

October 20, 2015

**Workplace Privacy: The “New Digital Workplace,” What’s Next And What Should Employers Be Doing To Prepare?**

2015 Rocky Mountain Employer Conference

October 7, 2015

**The Data Breach Imperative: How HR Can Play A Critical Role In Protecting The Organization From Information Security Meltdown**

2015 Colorado Society for Human Resource Management (SHRM) Conference

October 1, 2015

**The New 'New Digital Workplace:' What’s Next And What Should Employers Do To Prepare?**

2015 Colorado Society for Human Resource Management (SHRM) Conference

October 1, 2015

**Payroll Multinationals – How To Navigate The Complex Web Of Global Data Protection**

2015 Texas Payroll Conference

September 25, 2015

**How To Prepare For A Security Breach and Respond Effectively When It Inevitably Occurs**

2015 NAPBS Annual Conference

September 21, 2015

**How To Comply With The Multitude Of Breach Notification Laws, While Protecting Your Organization From the Fallout**

Marathon Petroleum

August 31, 2015

**What Does The ‘Ban-The-Box Movement’ Really Mean For Employers and Consumer Reporting Agencies?**

NAPBS Webinar

July 29, 2015

**Getting Ready For the Next Wave Of Challenges – Recent Legal Developments And Security Incident Preparedness And Response For Pre-Employment Screeners**

2015 TazWorks User Group Meeting

May 14, 2015

**What Is A Data Breach And What Do I Need To Do About It? Video Shoot Script**

May 8, 2015

**Working From Home In All Its Dimensions**

May 7, 2015

**The New “New Digital Workplace: What’s Next And What Should Employers Do to Prepare?”**

May 7, 2015

**The New “New Digital Workplace” Panel Questions**

May 7, 2015

**Opening Session Script**

May 7, 2015

**Balancing Privacy Rights with Personal Devices: BYOD**

PBI

April 28, 2015

**Recent Developments For CRAs & Employers: The Legal Landscape Becomes More Treacherous Than Ever**

NAPBS Webinar

April 22, 2015

**How To Comply With The Multitude Of Breach Notification Laws, While Protecting Your Organization From The Fallout**

PPN Health Access

April 15, 2015

**Ethics & Compliance Forum**

2015 Textron, Inc., Providence, RI

March 15-17, 2015

**Cybersecurity: Protecting Your Company’s Confidential Information in the Age of Cloud Computing and BYOD and Responding to Security Breaches When Those Protections Fall Short**

2015 Global Employer Latin America Conference

March 5-6, 2015

**The E-Workplace: Internet Security, Privacy & Social Media Policies**

The National Employment Law Institute (NELI)

March 3, 2015

**The E-Workplace: Protecting Employer Information v. Employee Privacy**

2015 NELI Conference

March 2, 2015

**Building Successful Virtual Employer/Business Resource Groups (ERGs/BRGs) and Related Workplace Social Media Challenges**

Out & Equal Summit

November 5, 2014

**The 2014 Rocky Mountain Employer Conference**

Denver, CO

October 30, 2014

**Recent Developments for CRAs and Employers: The Legal Landscape Becomes More Treacherous Than Ever**

2014 NAPBS Conference, Denver, CO

October 21, 2014

**Corporate Security vs. Employee Privacy in the Digital Age**

CEO Connection Mid-Market Convention, Wharton University of PA

October 20, 2014

**Cyber Liability Update**

AmTrust Presentation Webinar

October 17, 2014

**Navigating the Latest NLRB Decisions on Employee Policies and Discipline**

Social Media and the Workplace, Webinar

October 9, 2014

**What Every GC Must Know About Privacy and Ethics**

Social Media in Internal Investigations, Webinar

October 1, 2014

**Social Media and the NLRB: New Challenges for Union-Free Employers From An Unlikely Regulator**

Littler Webinar - 2014 United Healthcare Presentation

July 16, 2014

**Privacy Developments in the Digital Workplace**

Fifteenth Annual Institute on Privacy and Data Security Law - Practising Law Institute (PLI), Chicago, IL

July 15, 2014

**Recent Developments for CRAs and Employers: The Legal Landscape Becomes More Treacherous Than Ever**

2014 TazWorks User Group Meeting, Park City, UT

May 22, 2014

**Employee Privacy In The Age of Big Brother Technology**

Workplace 3.0: Responding to Innovative Forces Changing the Workplace  
May 8, 2014

**Managing Corporate Data Across Multiple Global Privacy Regimes**

Workplace 3.0: Responding to Innovative Forces Changing the Workplace  
May 8, 2014

**Protecting Your Confidential Information In The Workplace and In The Cloud**

Workplace 3.0: Responding to Innovative Forces Changing the Workplace  
May 8, 2014

**Bring Your Own Device (BYOD)**

May 7, 2014

**Key Practical Issues In Negotiating Business Associate Agreements, Responding To A Breach Of Unsecured PHI, And Understanding HHS Enforcement**

WEDI Webinar - Beyond The Legal Requirements  
May 1, 2014

**Meeting The Evolving And Increasingly Complex Challenges of Implementing Legally Compliant Background Check and BYOD Programs**

CBA/CLE Employment Law 2014  
March 20, 2014

**Avoiding Employer Liability Due to Employees' Expanded Privacy Rights: Crafting Effective Policies and Practices**

Strafford Webinar  
March 19, 2014

**Navigating the Challenges of Cross-Border Whistleblower Investigations**

Textron, Inc.  
February 27, 2014

**The New Data Juggernaut: Time for Multinationals to Address Workplace Privacy in Latin America or Risk Damaging Their Corporate Brand**

The Global Employer Latin America Conference 3rd Annual  
February 20-21, 2014

**Navigating the Challenges of Cross-Border Whistleblower Investigations**

Navex Global Webinar  
February 6, 2014

**Investigating Cross-Border Whistleblower Claims: A Challenge for Multinational Employers**

July 31, 2013

**All Aboard The HIPAA Omnibus – An Auditor’s Perspective**

Health Care Compliance Association

June 18, 2013

**Going Mobile: Managing Risk in a Workplace Driven by Personal Devices, Social Media, and Cloud Computing**

Charlotte, NC

April 18, 2013

**Translating the Trends: What to Expect in 2013**

Littler Mendelson, San Francisco, CA

April 10, 2013

**Social Media and the NLRB: New Challenges for Union-Free Employers From An Unlikely Regulator**

Littler Mendelson, San Francisco, CA

April 10, 2013

**Managing Retailer's Challenges of Bring Your Own Device (BYOD) Programs**

March 19, 2013

**What Does The New Omnibus HIPAA/HITECH Final Rule Really Mean For Employers And Their Service Providers?**

February 19, 2013

**What Every Multinational Should Know About Bounty Hunters and Whistleblowers**

Littler Mendelson, Washington D.C.

November 8, 2012

**Background Checks for the 21st Century: How to Protect Your Organization Without Sinking in the Quagmire of New Laws**

Bloomberg BNA Webinar

October 30, 2012

**Brinker after Kirby: Still No Free Lunch in California**

Littler Mendelson, Scottsdale, AZ

May 11, 2012

**Business or Pleasure: The Challenge of "Bring Your Own Device" Policies in the Workplace**

Littler Mendelson, Scottsdale, AZ

May 11, 2012



**Managing the Social Media Activity of A Multinational Workforce after the Global Privacy Juggernaut**

Littler Mendelson, Scottsdale, AZ

May 10, 2012

**The Truth About the Workplace of the Future: Debunking the Myths Surrounding Flexible Work**

July 15, 2011

**What Employers Need to Know About the Genetic Information Nondiscrimination Act**

January 14, 2011

**New ADA Accessibility Regulations and Design Standards**

December 8, 2010

**Who Says Social Networking Is Just for Kids?**

Indianapolis, IN

March 17, 2010

**On the Cutting Edge of Workplace Privacy**

Pittsburgh, PA

March 12, 2010

**On The Cutting Edge of Workplace Privacy**

Houston, TX

February 5, 2010

**On the Cutting Edge of Workplace Privacy**

Dallas, TX

February 4, 2010

**Meeting the Compliance Challenges of a Reinvigorated HIPAA and the Genetic Information Non-Discrimination Act of 2009**

Denver, CO

October 8, 2009

**Getting Past the EFCA Hype and Getting Down to Business**

July 24, 2009

**Meeting the Compliance Challenges of a Reinvigorated HIPAA and the Genetic Information Non-Discrimination Act of 2009**

July 24, 2009

**Sex Offenders, Terrorists and Video Resumes: How Far Can You Go to Get Information on Prospective and Current Employees?**

Denver, CO

May 12, 2009

**Employers' Obligations Under Massachusetts' New Data Security Law**

Burlington, MA

October 4, 2007

**Philip Gordon Speaks at "Human Resources" Panel at International Association of Privacy Professionals (IAPP) Privacy Academy**

Henderson, NV

October 28, 2005

**"Privacy Professional Boot Camp" Workshop at International Association of Privacy Professionals (IAPP) Annual Meeting**

Henderson, NV

October 26, 2005

## Books & Book Chapters

- Sections of Chapter 21: International Labor and Employment Law, *International Corporate Practice: A Practitioner's Guide to Global Success*, Practising Law Institute, chapter co-authors: Philip Berkowitz and Trent Sutton, February 2021
- Combatting the Insider Threat: Reducing Security Risks From Malicious and Negligent Employees, Chapter 24, *Navigating the Digital Age*, NYSE/Palo Alto Networks, 2015
- Social Media and Employment Law, An International Survey, Chapter 34, *International Bar Association Series*, co-authors Phillip L. Gordon and Jordan Cornett, 2015
- Managing the Evolving Challenges of Workplace Privacy and Information Security, Chapter 13, *Inside the Minds™: Recent Trends in Privacy and Data Security*, Aspatore, 2013
- Chapter 21: International Labor and Employment Law, *International Corporate Practice: A Practitioner's Guide to Global Success*, Practising Law Institute, chapter co-authors Philip Berkowitz, Joseph Lazazzero, Trent Sutton and Stefan Marculewicz, 2012
- *Littler on Background Screening & Privacy Rights in Hiring*, The Littler National Employer Library
- *Littler on Employee Monitoring: Searches, Surveillance & Privacy Concerns*, The Littler National Employer Library, co-author Zoe M. Argento