

## **Kwabena A. Appenteng**

Office Managing Shareholder

Co-Chair, Privacy and Data Security Practice Group

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## **Practice Areas**

Privacy and Data Security

International Employment Law

Handbooks and Policies

## **Overview**

Kwabena A. Appenteng counsels employers on a range of workplace privacy and information security issues in both the U.S. and European Union, including:

- The California Consumer Privacy Act
- The European General Data Protection Regulation
- Cross-border transfers of human resources data
- Biometric data privacy issues
- Responding to security breaches
- The Fair Credit Reporting Act (FCRA) and background checks
- The Health Insurance Portability and Accountability Act (HIPAA)
- 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
- Screening technologies
- Location tracking and use of GPS-enabled devices
- Workplace searches

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.

A frequent writer on privacy topics, Kwabena has been published in a variety of publications including *Law360*, *Inside Counsel Magazine*, and *Corporate Counsel*, and routinely speaks on privacy and information security related issues.

## Professional and Community Affiliations

- Member, Cybersecurity & Privacy Editorial Board, Law360, 2021
- Member, International Association of Privacy Professionals
- Member, National Employment Law Council
- 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*
- Recipient, Next Generation Award, *Cook County Bar Association*, 2023
- Named, Super Lawyers, Illinois, *Super Lawyers*, 2023-2025
- Named, Rising Star, Illinois, *Super Lawyers*, 2013-2022
- Named, Emerging Lawyer, *Illinois Leading Lawyers*, 2015-2019, 2021
- Named, Trial Advocacy & Dispute Resolution Honors Board and Council, *John Marshall Law School*
- Phi Delta Phi Honors Society

## Education

J.D., University of Illinois Chicago School of Law, 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

**Automated Decisionmaking Technology, Risk Assessments, Cybersecurity and More: Implications of the Proposed CCPA Regulations for Employers**

*Littler ASAP*

December 9, 2024

**Damage Control: Illinois Enacts Amendment to the State's High Risk Biometric Information Privacy Act**

*Littler ASAP*

August 6, 2024

**Implications for Employers of Colorado's New Biometrics Law**

*SHRM Online*

July 10, 2024

**Implications for Employers of Colorado's New Biometrics Law**

*Littler ASAP*

June 27, 2024

**A Comprehensive Global Guide for AI Data Protection in the Workplace**

*Corporate Compliance Insights*

April 16, 2024

**China's New Cross-Border Data Transfer Rules Substantially Reduce Compliance Burdens for Multinational Employers**

*Littler ASAP*

March 27, 2024

**Developing a Global Data Protection Framework for Artificial Intelligence in the Workplace**

*Littler ASAP*

February 29, 2024

**Time for Employers to Complete California Privacy Rights Act Compliance as Court of Appeal Lifts Injunction on Enforcement**

*Littler ASAP*

February 20, 2024

**The UK-US Data Bridge Protects Data Privacy**

*SHRM Online*

January 9, 2024

**With a Key Deadline Fast Approaching, Now Is the Time to Address Requirements for Data Transfers Outside of China**

*Corporate Compliance Insights*

November 6, 2023

**Strategy to Address China's Recent Proposed HR Exception to Facilitate Cross-Border Data Transfers**

*Littler ASAP*

October 31, 2023

**Department of Commerce Extends the Data Privacy Framework with UK-U.S. “Data Bridge”: Key Takeaways for Multinational Employers**

*Littler ASAP*

October 18, 2023

**With a Key Deadline Fast Approaching, Now Is the Time to Address the New and Complex Requirements for Data Transfers Outside of China**

*Littler ASAP*

September 25, 2023

**Department of Commerce Launches the EU-U.S. Data Privacy Framework: Considerations for Multinational Employers that Transfer EU Personal Data to the United States**

*Littler ASAP*

July 19, 2023

**Littler on Data Protection and Release of Personal Information, HIPAA and Related Laws**

July 2023

**Court Postpones Enforcement of California Privacy Rights Act Regs**

*SHRM Online*

July 6, 2023

**Breathing Room for Employers as Court Enjoins Enforcement of California Privacy Rights Act Regulations**

*Littler ASAP*

July 2, 2023

**BIPA’s Devastating Effects on Illinois Businesses**

*Littler Report*

June 27, 2023

**Final Regs Clear Path for Employers to Complete CPRA Compliance**

*SHRM Online*

June 21, 2023

**Finalization of Regulations Clears the Path for Employers to Complete California Privacy Rights Act Compliance Efforts Before June 30, 2023 Deadline**

*Littler ASAP*

June 14, 2023

**Littler Appoints New Office Managing Shareholders in Chicago and Irvine**

*Press Release*

May 3, 2023

**California Privacy Rights Act (CPRA): Employer Obligations**

*Lexis Practical Guidance*

November 18, 2022

**Productivity-Tracking Pitfalls Employers Should Avoid**

*Law360 Employment Authority*

September 1, 2022

**Companies Turn to Legal for CPRA Personal Data Corrections. But Should They?**

*Legaltech News*

August 3, 2022

**California Privacy Rights Act for Employers: Vendor Contracting Requirements**

*Littler ASAP*

April 14, 2022

**California Privacy Rights Act for Employers: The New “Notice at Collection” California Employers Must Distribute to the Workforce**

*Littler ASAP*

January 25, 2022

**CPRA Vendor Management**

*Littler Podcast*

October 14, 2021

**CPRA Enforcement**

*Littler Podcast*

September 29, 2021

**CPRA and Data Retention**

*Littler Podcast*

September 14, 2021

**CPRA Individual Rights**

*Littler Podcast*

August 30, 2021

**3 Tips for Keeping Workers’ Wage-Hour Data Secure**

*Law360 Employment Authority*

August 23, 2021

**CPRA and Information Security**

*Littler Podcast*

August 16, 2021

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

*Littler Podcast*

August 4, 2021

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

*Littler ASAP*

June 9, 2021

**Social and Political Issues and the Workplace – Implications for Employers**

*Littler Report*

May 12, 2021

**Illinois expands employment protections for workers with criminal histories**

*HR Dive*

April 7, 2021

**New Illinois Law Protects Workers with Criminal Records**

*SHRM Online*

April 1, 2021

**Illinois Imposes New Criminal History Check Requirements on Employers**

*Littler ASAP*

March 26, 2021

**Illinois Legislature Considers a Bill Designed to Slow the Flood of Biometric Privacy Class Actions**

*Littler ASAP*

March 15, 2021

**Legal Jeopardy: Weighing the Risk of Terminating Employees for Actions Outside the Workplace**

*World At Work*

January 15, 2021

**Chicago-area CEO fired as companies grapple with how to respond to employee participation in US Capitol siege. 'This is a character-forming moment.'**

*Chicago Tribune*

January 8, 2021

**Temperature Screenings: Review State Laws**

*SHRM Online*

August 31, 2020

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

*Littler ASAP*

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 ASAP*

July 20, 2020

**Facial Analysis Technology in the Workplace Brings Risks**

*SHRM Online*

July 9, 2020

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

*Littler ASAP*

April 27, 2020

**Navigating the return of employees to the workplace**

*Compliance Week*

April 15, 2020

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

*Littler ASAP*

March 31, 2020

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

*TLNT*

September 30, 2019

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

*Littler ASAP*

September 17, 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 ASAP*

September 17, 2019

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

*HR Dive*

January 29, 2019

**Littler Elevates 28 Attorneys**

*Press Release*

January 2, 2019

**Biometric Privacy Case Before Illinois Supreme Court Could Open Litigation Floodgates**

*Littler ASAP*

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 ASAP*

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 ASAP*

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

**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 ASAP*

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 ASAP*

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 ASAP*

September 23, 2016

**NLRB Ruling in Social Media Case Provides Useful Guidance for Employers**

*Littler ASAP*

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 ASAP*

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 ASAP*

November 17, 2015

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

*Littler ASAP*

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 ASAP*

July 16, 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

**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

**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

## **Events & Speaking Engagements**

### **Senior Corporate Leadership Needs You! How HR and In-House Legal Can Help Prevent and Respond to the Next Killer Data Breach**

Littler Executive Employer Conference, Phoenix, AZ

May 8, 2024

### **Operationalizing Privacy: Building a Privacy Program to Manage the Explosion of Privacy Laws**

Littler Executive Employer Conference, Phoenix, AZ

May 11, 2023

### **California Privacy Rights Act in the Face of Uncertainty: How to Advance Your Organization's Compliance Program While Awaiting Final Regulations**

September 22, 2022

### **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

### **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

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

October 7, 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

**Biometric Technology in the Workplace: Satisfying Compliance Obligations and Avoiding Data Security Risk**

National Association of Security Companies Private Security Leaders' Roundtable

February 11, 2020

**Focus on Social Media -- Social Media in the Workplace, Policies, Best Practices and Social Media Background Checks**

California Employment Law Council Annual Meeting, San Francisco, CA

November 15, 2019

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

November 14, 2019

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

Florida Regional Employer Conference, Miami, FL

October 24, 2019

**Responding to the Insider Threat**

IG3 Mid-Atlantic Conference, Washington, D.C.

June 26, 2019

**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**

- 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
- *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