

Legal Connections



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“Recent events have changed the digital privacy landscape. Our attorneys can help your business comply with privacy laws and protect your consumers.”



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MAINTAINING PRIVACY IN THE DIGITAL AGE

The conversation about privacy and the internet has gone viral. As a consumer, this issue may be on your mind with the recent news of Facebook and Cambridge Analytica. As a business owner, you may be receiving more questions than normal about your business's data practices and you may be wondering what, if anything, you should be doing.



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deceptive trade practices claims before the Federal Trade Commission. In cases where violations have been found, some companies have received six figure fines.

The privacy policy should also address how a business complies with applicable privacy regulations. Because websites operate without

borders, they subject businesses to regulation in a variety of jurisdictions. As a result, businesses must be vigilant in understanding their consumer demographics. This can easily be accomplished by reviewing website analytics and is important to ensuring compliance with various regulations. For example:

- The Children's Online Privacy Protection Act is a federal regulation that regulates what information companies can collect online from children under the age of 13, and establishes parameters for parental consent.

- The California Consumer Privacy Act, passed on June 28 and taking effect on

Jan. 1, 2020, gives expansive control to California residents over their personal data that is shared online. This Act is one of many pieces of legislation passed in California over the past 15 years to address privacy rights and concerns raised by increased internet usage, such as the updates to the California Business and Professional Code, made in 2003, that set forth requirements for privacy policy disclosures and accessibility of privacy policies.

- The General Data Protection Regulation took effect in the European Union in May. The GDPR extends protections to all European Union residents. It limits the instances in which personal data can be collected, distinguishes between data controllers and processors and enumerates the rights of the data subjects, among other things. Because this law took effect recently, there is uncertainty in how the GDPR will be policed and enforced. Nevertheless, it is important to know that the penalties for non-compliance are high.

The above is not a comprehensive list of all the laws that have been enacted to protect consumer privacy. Several states

Current privacy regulation concerns the online collection and use of data and seeks to address how businesses communicate their own methods to their consumers. This is typically communicated through a privacy policy, and all businesses that operate a website should have one. The privacy policy must be transparent about what information the company collects and how it is used. And, if the website sells products or services, the privacy policy should be unambiguously consented to any time purchases are made. Companies that fail to clearly communicate their collection and use can be subjected to unfair and



have legislation pending to address these issues and extend similar protections to residents. Because privacy regulations exist at the federal, state and international level, all businesses operating a website should consult with an attorney to ensure their businesses are in compliance and are adequately protected against any consumer privacy claims. ■

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'INCLUSIVITY': THE WAY TO ATTRACT AND RETAIN DIVERSE TALENT

Scientifically and otherwise, it's been proven that diverse teams out-perform homogenous teams. Top diverse talent can lead to more market share in emerging economies, foster greater creativity and launch innovation that leads to a competitive edge. The best way to attract and retain top diverse talent is to lead with inclusivity.



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one must demonstrate clearly and concisely how it practices inclusion within the organization. Develop ways for the site visitor to see the existence of open and welcoming environments that proactively and periodically encourage employees to offer their diverse value, thoughts and perspectives toward solving problems, making decisions and developing new trends for the organization. This sends a clear message that they belong on your team.

Attraction: With social media as the window through which most see organizations,

organization. This sends a clear message that they belong on your team.

Retention: Extended onboarding and stay interviews are effective tools to retain top diverse talent, even younger generations that get the 'three-to-five-year itch' with employers. Onboarding that lasts between 18 months and three years offers employees the opportunity to rotate through the organization before they take their permanent assignment. This allows organic learning to occur (by both the employer and employee) and for a sense of loyalty and 'investment' to be realized by both employer and employee – not just a 'hiring'.

For those without an extended onboarding process, the stay interview (as opposed to an 'exit interview') lets the high-potential diverse employee know you consider them a valued member of the team. Ask them after their third year, during their annual performance review: 'What has made you stay with our organization; Where do you see yourself in the next three to five years; How can we/I help support you to get there?'

Safe travels on your road to inclusivity! ■



SEPTEMBER 13 (2:00-4:45pm @ the Columbus Bar)

Fifty years ago, a shootout between black nationalists and Cleveland police left eight people dead. This class (and the book that inspired it) will examine the roots and political aftermath of the violence in Cleveland—and discuss why race violence and police brutality still persist fifty years later. 2.5 Prof. Conduct CLE hours.

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Speaker:



James D. Robenalt, Esq.
Thompson Hine LLP
Mr. Robenalt is an attorney and author of the book *Ballots and Bullets*.