



## Technology: Don't Let Poor Handling of Electronics Short Circuit Your Business

Computers have become important tools in business. They exist in many forms reaching far beyond desktops or laptops. Cell phones (especially smart phones), iPads, iPods, MP3 players, and so on are different forms of computer technology. Even many modern copy machines have hard drives. Businesses face new challenges when it comes time to properly dispose of these electronics.

Proper disposal means more than just dumping these items in the proper place. It includes making sure any sensitive data is removed and made unrecoverable before relinquishing control of the item. Sensitive data includes any information that someone would have expected be held confidential by the company. It runs the gamut from personal and financial data protected under Federal privacy laws to common intraoffice e-mail content. It may pertain to the company, employees, customers, clients, patients or others. Any business that lets sensitive data out of its control during disposal of electronic devices risks substantial liability.

### Out of Sight Does Not Mean Out of Mind

The need to erase this data completely may arise where one least expects. Take a copy machine, for example. Many modern copiers take a digital snapshot of what is being copied. The copier then may store the image on its hard drive. That digital image may remain even after the copy job is done. Privacy watchdog groups have bought used copiers and found those images remaining on copier hard drives. They report finding copies of sensitive documents such as company trade secrets, tax forms, medical records and various documents with names, addresses, social security numbers, bank account or credit card numbers, and other sensitive data. A copier hard drive could be an identity thief's jackpot. If it falls into the wrong hands with that data on it, it could cause an expensive headache for the company.

The same is true of other electronic devices. A smart phone or PDA can hold large amounts of information, including sensitive data. Disposing of that smart phone should include making sure any old data is erased in a way that renders data unrecoverable.

Remember that once you hand over the old electronic device, you lose the ability to control who can access any data stored on it. This includes handing the equipment over to a disposal company. You should either verify to your own satisfaction that a disposal company takes proper measures to erase and destroy any old data or take steps to properly erase the data yourself before relinquishing the device.

Hitting delete on your keyboard or using the device's deletion function might not be enough. Deleted data often can be recovered. There are programs

and equipment available to make it harder, if not impossible, for data to be recovered. An IT professional can guide you on those methods.

The last thing a business needs is to dispose of old equipment in a manner that gives out its trade secrets or hands over sensitive data that it had a duty to keep safe. There are tools available to reduce those risks. It most likely would be more expensive, time-consuming and difficult to explain why you did not take reasonable measures when disposing of equipment, than it is to take those measures in the first place.

Implementing a procedure to erase data before disposing of electronics is good. However, the best policy cannot help if your employees do not follow it or even know about it. Keep in mind that educating your employees includes knowing whether they are using their personal electronics to access or store sensitive data. The need to securely erase data could extend to erasing data on an employee's personal electronic device. The company should notify its employees of this as well.

Keeping up with the legal implications of data storage and technology is a must. Please contact us if we can assist you in developing policies and identifying best practices that fit your business needs.

**About the author:** *Matthew D. Macy* is a Senior Associate in the firm. He received his J.D. from Emory University School of Law and brings special civil litigation expertise to us in the areas of Employment Issues, Technology, Trade Secrets, Officer and Director Liability, as well as Unfair Competition.



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## SS&F Celebrates Peggy Richter's 20 Years of Service

Just a smidgen over 20 years ago, the firm was in the market for a new receptionist. The classified ad should have read something like this:

WANTED: Legal Receptionist. Successful candidate will be capable of setting sun and moon in sky, able to stop speeding bullet (from hitting individual with letters 'Esq.' behind name), able to answer 7 phone lines simultaneously before 2nd ring, able to brew perfect cup o' joe and keep it fresh all morning without leaving desk. Candidate shall display skills of telepath, empath, Merry Maid, perfectionist, translator, genius, earth mother, cat herder, day trader and diplomat. Hopelessly perky candidate will never be late for work and will take vacation only under duress. Ability to walk on water is a plus; sanity, optional. Salary DOE.

Of course, that ad never ran, but sometimes Lady Luck smiles.

On October 29, 1990, Peggy Richter came to work for the firm. Having just moved to Colorado from the Atlanta area with her husband, Dave, a helicopter pilot, she wanted a job where she could put down new roots; and that she did. After manning our phones for about 5 years, Peggy accepted increased responsibility and became Bob Stewart's legal secretary. For the 15 years since then, Peggy has kept the transaction group organized and on track and has assisted countless clients through difficult legal matters with a caring and professional attitude.

As we celebrate Peggy Richter's 20th Anniversary with the firm, we are thankful that her roots grew deep and that we continue to enjoy the fruit of her faithfulness, integrity, hard work, resourcefulness and loyalty. You see, Lady Luck did smile on us all those years ago. Peggy still can't quite walk on water, but, she is able to leap tall file cabinets in a single bound.

**Thank you, Peggy, you are an extraordinary woman and a valued employee and we hope you will continue sharing your talents with us for many years to come.**

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