Lyft, Uber Dispute Highlights Need to Safeguard Confidential Information

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Bob Yonowitz was quoted on *SHRM Online* on December 8, 2014. The article "Lyft, Uber Dispute Highlights Need to Safeguard Confidential Information" discussed how Lyft was unable to get Travis VanderZanden, departing chief operating officer, to sign a termination certification prior to him obtaining a position at Uber, Lyft's main competitor. Lyft claimed that VanderZanden breached its confidentiality agreement.

Bob was quoted on the importance of getting a termination certification signed during the exit interview.

A key document that should be signed at an exit interview is the termination certification, according to Bob. A comprehensive exit interview will include asking the departing employee for the return of all paper and electronic information in his or her possession and a certification that he or she has returned it, he told *SHRM Online*.

When there is a confidentiality agreement, there typically is a termination certification during the exit interview, Bob noted.

But VanderZanden refused to sign it. If signed, a termination certification shows that a company took reasonable efforts to keep its confidential information secret, Bob observed.

Companies should consider whether they want employees using their own phones on company business, or whether they want to give the employee a business phone, Bob noted. If giving employees a business phone, don't forget to retrieve it at the end of employment, in addition to any company laptop, he reminded.

When it comes to protecting files, a lot of computer forensics in the future may be conducted in tandem with keystroke surveillance software that keeps a running record of everything employees do on work computers, Bob said. If employees try to download company files onto another platform, alarms in the system would be set off and the employer would "find out in real time," he remarked.

Regardless, Bob suggested that another lesson from the litigation is that employees should not be given too much access to company information, but instead "only need-to-know access."

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