

Kwabena A. Appenteng

Office Managing Shareholder
Co-Chair, Privacy and Data Security Practice
Group

321 North Clark Street
Suite 1100
Chicago, IL 60654
main: (312) 372-5520
direct: (312) 795-3268
fax: (312) 372-7880
kappenteng@littler.com



Focus Areas

Privacy and Data Security
International Employment Law
Policies, Procedures and Handbooks
General Data Protection Regulation (GDPR)

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, Rising Star, Illinois, *Super Lawyers*, 2013-2021
- 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

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 Insight

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 Insight

February 29, 2024

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

Littler Insight

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 Insight

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 Insight

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 Insight

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 WPI 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 Insight

June 14, 2023

Littler Appoints New Office Managing Shareholders in Chicago and Irvine

Littler 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 Insight

April 14, 2022

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

Littler Insight

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 Insight

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 Insight

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 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 Opens 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

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 Insight

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 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

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

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

Littler Insight

September 17, 2019

Illinois Ruling Highlights Risks of Biometric Identifier Use

HR Dive

January 29, 2019

Littler Elevates 28 Attorneys

Littler Press Release

January 2, 2019

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

Fourth Quarter 2018 Workplace Privacy Update

Littler Insight

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 Insight

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 Insight

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 Insight

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 Insight

September 23, 2016

NLRB Ruling in Social Media Case Provides Useful Guidance for Employers

Littler Insight

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 Insight

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 Insight

November 17, 2015

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

Littler Insight

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 Insight

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

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