

THE LITTLER REPORT

Workplace Survey on the Privacy Age Gap

Independently Conducted by Ponemon Institute LLC

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LITTLER MENDELSON, P.C.

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This publication is not a do-it-yourself guide to resolving employment disputes or handling employment litigation. Nonetheless, employers involved in ongoing disputes and litigation will find the information extremely useful in understanding the issues raised and their legal context. The Littler Report is not a substitute for experienced legal counsel and does not provide legal advice or attempt to address the numerous factual issues that inevitably arise in any employment-related dispute.

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Workplace Survey on the Privacy Age Gap

By Philip L. Gordon, Esq. & Larry Ponemon, Ph.D.

Introduction

Little Mendelson and Ponemon Institute are pleased to report the results of a national survey that seeks to understand how an employee's age affects his or her attitudes and perceptions about privacy in the workplace. This independently conducted study queried a representative sample of 670 adult-aged respondents who are presently employed within US organizations.

Following are the **key questions** in our inaugural study:

- How important is workplace privacy to both younger and older-aged employees?
- Do emerging technologies, such as the Internet, e-mails, portable electronic storage devices (i.e., iPods, camera phones, PDAs), social networks, and Internet blogs affect an employee's expectation of privacy? If so, do these expectations vary in discernible ways based on the employee's age group?
- Do employees trust their employer's privacy and data protection commitments? And, does the level of trust vary by the employee's age group?
- What kinds of personal information should employers not use for secondary purposes or share with third parties without obtaining consent?
- How do employees in different age groups feel about workplace monitoring and surveillance, including electronic surveillance methods for emails and Internet usage?

By design, the analysis of our survey included a side-by-side comparison of respondents in two age groups defined as:

- Younger-aged workers (**YA**): defined as an employed worker who is between the ages of 18 to 30 years.
- Older-aged workers (**OA**): defined as an employed worker who is more than 50 years of age.

The survey instrument was organized into three parts. Part I provides 13 privacy-related scenarios that ask respondents to rate whether they perceive an event as a privacy violation. Ratings for each scenario used a five-point adjective scale from "Strongly agree" to "Strongly disagree." Part II provides a series of workplace-related privacy questions including how the respondent perceives his or her employer in terms of privacy commitments and policy disclosure. Part III captures additional demographics about respondents.

Executive Summary

Following are the ten most salient findings of our study:

I. Read My E-Mail

Respondents exhibited a very low expectation of privacy in their electronic mail over the corporate intranet. Only 38% of both YAs and OAs responded that their privacy would be violated if their employer viewed their e-mail and Internet access over the corporate intranet. This response rate was far lower than the sense of privacy violation created by an employer's monitoring of any other activity examined, including location tracking, off-duty blogging, and iPod use. The percentages did not change significantly even when respondents were asked whether their privacy would be violated if their employer required them to permit access to Web-based e-mail accounts used for business purposes (including the respondent's home computer), with only 52% of YAs and only 42% of OAs responding that they would consider such conduct to be a privacy violation. Ironically and in somewhat of a contradiction, 68% of YAs responded that their e-mails and instant messages should not be used by their employer without their consent.

II. Don't Touch My iPod

Respondents under age 30 view their iPods almost as an extension of their body. Not surprisingly, 92% of YAs stated that they would consider their privacy to be violated if their employer required them to insert a tiny microchip in their arm to access the company's most sensitive trade secrets. What is surprising is that almost the same percentage of YAs — a whopping 85% — stated

that an employer ban on iPods in the workplace would violate their privacy, and more than three-quarters, or 77%, stated that unannounced random searches of their iPod would violate their privacy. Older respondents had a much lower attachment to their iPods with 68% stating that an iPod ban would violate their privacy and only 57% stating that random searches of their iPod would be a privacy violation.

III. Don't Track My Movements; Don't Read My Blog

Older respondents generally were significantly more concerned about their employer's monitoring their activities away from the office. 84% of OAs stated their employer's use of a Global Positioning System (GPS) location-tracking device to discipline slackers would violate their privacy, whereas only 59% of YAs felt that way. The same percentage of OAs believed that their privacy would be violated if their employer disciplined them for posting on their off-duty blog, regardless of whether the blog discussed work or non-work matters. By contrast, only 71% of YAs felt their privacy would be violated if their employer disciplined them for off-duty blog entries related to work. A slightly higher percentage (75%) was offended by discipline for blog entries that were not work related. Reflecting older employees' high level of concern over having their employer monitor their off-site activities, only an employer's requirement of microchipping to gain access to sensitive trade secrets rated higher as a privacy concern for OAs.

IV. A Call for Help to CPOs And Other Privacy Professionals

The survey results suggest that respondents do not see much concern about workplace privacy from the privacy professionals in their organization, even though the respondents themselves care deeply about workplace privacy. More than 90% of older respondents and more than 85% of younger respondents stated that the protection of their employee information is somewhat important, important, or very important. However, only 7% of YAs and only 11% of OAs strongly agreed that their employer was committed to protecting the privacy of their personal information.

This perceived lack of organizational concern over employee privacy is consistent with the absence from most organizations of a policy on employee privacy. Just over 20% of respondents, regardless of age, stated that their organization has a policy which explains how the organization protects employee information. In stark contrast, two-thirds of respondents, regardless of age, stated that their organization has a policy explaining how the organization protects consumer information. Not surprisingly in light of this finding, a bare majority of older workers (52%) and slightly less than a majority of younger workers (47%) understood their employer's commitment to protect the privacy of their personal information in the workplace.

Moreover, virtually no respondents (only 6%), regardless of age, stated that they would contact their organization's privacy office to respond to a question about workplace privacy. Instead, both younger and older respondents would turn first to their supervisor (59% vs. 47%) and then to the Human Resources Department (39% vs. 46%).

V. Maintain Open Channels Of Communication

Our society may be litigious, but the survey revealed that respondents generally would not rush to the courthouse if they believed their employer violated their privacy. The most common responses for all respondents, regardless of age, was first complain to a supervisor and, second, complain to a family member or friend. However, older respondents were more likely to resort to both — (a) complain to supervisor: 65% for OAs vs. 49% for YAs, and (b) complain to family/friend: 37% for OAs vs. 33% for YAs.

At that point, the generations part ways in terms of responding to a perceived privacy violation. Younger respondents would either look for another job (27%) or write about the privacy violation on someone else's blog (24%). By contrast, older respondents seem to be unlikely to do anything else, with the next most common response being that they would find another job (only 15%) or sue their employer (only 12%). Interestingly, younger respondents seem to be slightly more litigious than their older colleagues with 15% stating that they would respond to a privacy violation by suing their employer.

VI. Don't Ban My Camera Phone; Don't Use My Picture

Approximately two-thirds of all respondents — 68% of younger workers and 63% of older workers — stated that an employer would violate their privacy by banning cell phones with a camera feature from the workplace. However, perhaps reflecting the comfort of younger respondents with the easy distribution of digital photographs over the Internet, only a small fraction of younger respondents (24%) expressed concern about their employer using their photograph without their consent as compared with 41% of older respondents.

VII. Social Networking – Private for All Ages

As companies begin to explore the possibility of internal, social networking sites for corporate employees, employers should know that more than three-quarters of respondents (78%) objected to employer monitoring of activities on a company-sponsored social networking site, *regardless of age*.

VIII. Skeletons in the Closet

With teenage and college-age escapades still fresh in the memory, younger respondents demonstrated a substantially higher level of concern about employers looking into their past. More than three-quarters of YAs responded that an employer's review of their activities on a social networking Web site before making a hiring decision would violate their privacy. Younger respondents also were virtually unanimous (98%) in stating that an employer should not use their legal or court history without prior consent. The response rates for older workers to these questions — 65% and 85%, respectively — registered a significant, but materially lower, rate of concern.

IX. Employer Information That Your Organization Should Consider Using Only With Employee Consent

With some variation in ranking based upon age, employees of all ages agreed upon the seven categories of personal information that their employer should not use without their consent: (a) legal or court history, (b) passwords, (c) health condition, (d) performance history, (e) sexual orientation, (f) religious affiliation, and (h) social security number. The greatest disparity based upon age within this list related to the social security number, with 96% of OAs identifying SSNs as information that should not be used without their consent, but only 77% of YAs doing so. Sexual orientation also was more of a concern for older respondents (96%) than younger ones (81%). As noted previously, younger respondents are more concerned about their legal or court history (98%) than are older employees (85%).

X. The Older You Are, The More You Worry

Older respondents consistently had a higher degree of concern over the loss or theft of their personal information than younger respondents. Three-quarters of older respondents, for example, cited identity theft as a concern as compared to only 59% of younger respondents. Interestingly, nearly one-half of older respondents (49%) were concerned that the loss or theft of their personal information could result in a loss of civil liberties, but only 34% of younger respondents had that concern. Indicating again the freshness of youthful escapades, nearly one-half (46%) of younger respondents were concerned that the loss or theft of their personal information could result in embarrassment because it would reveal personal secrets as compared to only one-third of older respondents.

Implications for Employers

Privacy Policies And Training Can Successfully Shape Employee Privacy Expectations

The very low rate of younger and older respondents who considered employer monitoring of workplace e-mail to violate their privacy demonstrates just how effective a privacy policy and training can be in shaping employee privacy expectations. Today, virtually all employers have implemented electronic resources policies which notify employees that their corporate e-mail is not private and will be monitored. Such policies, and the training that goes along with them, most likely are responsible for workers' recognition that their workplace e-mail generally is not private.

Organizations Are Not Adequately Addressing Workplace Privacy With Meaningful Policies And Training

Even though virtually all employees care deeply about their privacy at work, employers and privacy professionals have not responded with meaningful privacy policies. Only a small fraction of employers even have a workplace privacy policy. Those employers that have implemented a workplace privacy policy seem to have failed to draft a policy which demonstrates a commitment to employee privacy or which explains what that commitment means.

At the same time, both younger and older workers demonstrated a significant misunderstanding of the types of conduct and information which the law recognizes as private. Respondents consistently expressed a high expectation of privacy in information that the courts view as public, such as posts on social networking sites and blogs, one's location on public streets, and information contained in court records. A well written policy can help to reshape those misconceptions.

To Retain Valued Employees, Employers Should Avoid Heavy-Handed Regulation Of New Technologies And Tailor Their Privacy Policies To Account For The Privacy Age Gap And Corporate Culture

Employers are struggling to maintain productivity and protect their intellectual property at a time when increasingly diminutive devices with increasingly gargantuan memory are flooding the workplace. As reflected in the responses, a wholesale ban of iPods or camera phones in the workplace would foment near revolt in the workforce. This is especially true among younger respondents, one-quarter of whom stated that they would look for employment elsewhere in response to a privacy violation.

The study's results also demonstrate significant differences in perceptions about privacy between younger and older workers. Younger employees do not want their employer to pry into their personal effects, especially iPods and camera phones. Older workers, on the other hand, worry less about these types of searches. They are much more concerned about tactics that constrain their civil liberties, such as when an employer monitors their off-site conduct with a location-tracking device.

These results and others demonstrate that simplistic, one-size-fits-all solutions have the potential to alienate workers and likely would be ineffective. Instead, policies and practices addressing new technology in the workplace should seek to preserve the benefits of those technologies for the employer while taking into account workforce perceptions of privacy, corporate culture, and the need to maintain positive employee relations.

Maintain Open Channels Of Communication About Perceived Privacy Violations

The demonstrated disconnect between what employees consider to be private and what the law requires employers to treat as private opens the door to potentially significant tensions in the workplace. Organizations can expect a certain degree of employee disgruntlement until they implement meaningful policies and adequately train their workforce about workplace privacy. In the meantime, employers should endeavor to exercise their legal rights in a way that employees do not perceive as violating privacy.

Both younger and older workers demonstrated a distinct preference for resolving these tensions through internal discussions — either with a supervisor or a human resources representative — rather than through external channels, such as an attorney and a lawsuit. Ensuring that corporate representatives are responsive to employee complaints about perceived privacy violations will go a long way towards avoiding disruptive and costly litigation. Open channels of communication also will help prevent a negative perception about the organization's privacy program.

In short, achieving the right privacy program will be an on-going "balancing act" for human resource and privacy professionals. Age is likely to be one of several factors that are determined to be normatively important in creating an effective corporate employee privacy initiative.

Caveats to this Survey

There are inherent limitations to survey research that need to be carefully considered before drawing inferences from sample findings. The following items are specific limitations that are germane to most Web-based surveys.

- **Non-Response Bias**

The current findings are based on a sample of survey returns. We sent surveys to a representative sample of individuals, resulting in a large number of usable returned responses. Despite non-response tests, it is always possible that individuals who did not participate have different beliefs than those who completed the instrument.

- **Sampling-Frame Bias**

The accuracy of contact information and the degree to which the list is representative of individuals who are informed about current events. We also acknowledge that the results may be biased by media coverage at the time of the study.

Compensation was provided to ensure that respondents completed the survey task in a short holdout period. While compensation was held to a nominal amount, we acknowledge potential bias caused by compensating subjects to complete this research within a holdout period. Finally, because we used a Web-based collection method, it is possible that non-Web responses (form survey or telephone) would result in a different pattern of findings.

- **Self-Reported Results**

The quality of survey research is based on the integrity of confidential responses received from subjects. While certain checks and balances can be incorporated into the survey process, there is always the possibility that a subject did not provide a truthful response.

Sample

A random sampling frame of 21,447 adult-aged individuals who reside within the United States was used to recruit participants to this Web survey. Our randomly selected sampling frame was selected from six regions across the nation. The factors used in our analysis to determine sample quality were age, gender, and reported household income. To achieve a more homogeneous sample, two filtering questions were used before targeted respondents were allowed to complete the survey instrument, defined as follows:

- **Filter 1**

Select only those individuals who self-report weekly current employment at > 20 hours per week.

Sample Filter — Employment	Pre	Perc.	Post	Perc.
Not employed (Stop)	291	18%	0	0%
Part time work, less than 20 hours per week (Stop)	256	16%	0	0%
Part time work, greater than 20 hours per week	283	18%	283	27%
Full time work	765	48%	765	73%
Total	1,595	100%	1,048	100%

- **Filter 2**

Select only those individuals who self report being between 18 to 30 years of age **or** > 50 years of age.

Sample Filter — Age	Pre	Perc.	Post	Perc.
Less than 18 years (Stop)	14	1%	0	0%
Between 18 to 30 years [Younger Aged = YA]	358	34%	358	53%
Between 31 to 50 years (Stop)	364	35%	0	0%
Over 50 [Older Aged = OA]	312	30%	312	47%
Total	1,048	100%	670	100%

Respondents who passed the two filtering questions were offered nominal compensation if they agreed to complete the instrument, including all demographic items. Those failing the two test questions were omitted from further analysis. No personally identifiable information was collected or captured during the sampling or survey process.

In total, a final sample of 670 respondents completed survey results during a seven-day field research period. Of returned instruments, a small number of surveys were rejected because of inconsistent responses. The margin of error on all adjective scale and binomial responses is $\leq 3\%$.

Over 90% of respondents completed all survey items within a 12 minute timeframe. Respondents were given the following instruction before starting the survey.

Dear Participant,

The purpose of this survey is to learn what you think about privacy in the workplace. Please refer to the following definitions when answering survey questions:

Employee information — information about yourself and your family. This information may include name, address, telephone numbers, e-mail address, Social Security number, other personal identification numbers, access codes, age, gender, income, employment history, performance evaluations, benefit plans, health insurance activities and other data about you. It also may include your email records, files and other documents saved on the computer assigned to you.

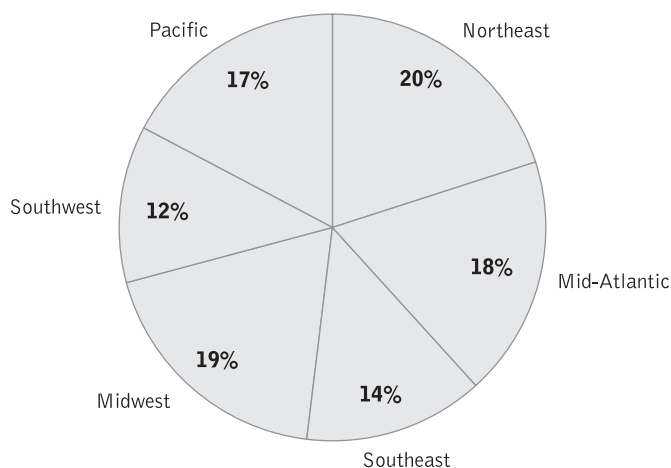
Privacy rights — the employer’s obligation to keep your personal information safe and secure. This includes the commitment not to share your sensitive personal information without a just cause or without obtaining your consent to do so.

Table 1 reports the final sample response statistics. The sample of respondents was randomly contacted by email invitation from a large national panel of adult-aged individuals who reside within the United States. The sample response rate before the two filtering questions was 8.4%. After reducing the sample on: (1) employment hours and (2) age range, the final response rate was reduced to 3.1%.

Table 1. Sample Response Statistics	Frequency	Perc.
Sample frame	21,447	100.0%
Email invitations sent	19,996	93.2%
Bounce backs	1,571	7.3%
Response	1,802	8.4%
Rejections (reliability)	207	1.0%
Total sample	1,595	7.4%
Useable sample (after two filters)	670	3.1%

Pie chart 1 reports the geographic distribution across major regions of the United States. As shown, the Northeast region (20%) represents the largest geographic segment. The smallest sample segment is the Southwest region (12%). Please also note that respondents are located in 41 US states.

Pie Chart 1. Geographic Distribution of the final sample of respondents



Survey Results

The detailed findings are reported below. The survey question frequencies and percentage frequencies are reported in tabular format. Each table displays YA (Younger-aged respondents) and OA (Older-aged respondents). The abbreviation “Pct%” means that the table percentages sum to the sample total. And, “Total%” means that the table percentages sum to the response sample total (which is greater than the sample total if the question allowed more than one response). “Diff%” is defined as {YA Pct% - OA Pct%}.

Privacy Scenarios

Figures 1a and 1b report summary results of 13 workplace privacy scenarios included in the survey. Each bar shows the percentage difference between the younger-aged (n1 = 358) and older-aged (n2 = 312) sub-samples in terms of the combined ratings for “Agree” and “Strongly agree.” A positive percentage in the bar chart indicates that the younger-aged sub-sample is more likely to perceive the scenario as a violation of workplace privacy. A negative result in the bar chart indicates that the younger-aged sub-sample does not perceive the scenario as a violation of workplace privacy.

Figure 1a reports the net differences between sub-samples that are positive (i.e., younger-aged workers are *more* likely to see these issues as privacy violations than older-aged workers). As can be seen, younger-aged workers are much more likely to view a workplace search of iPods or other portable electronic storage devices as privacy violations than older-aged workers. In addition, they are more likely to perceive the banning of iPods and camera phones as a privacy violation than older aged respondents.

Figure 1a. Positive Differences: Younger Respondents > Older Respondents

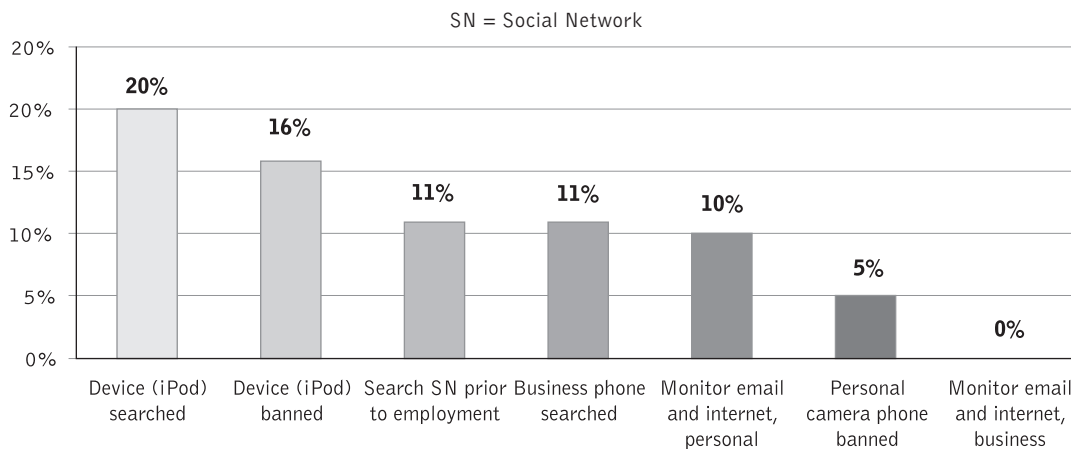
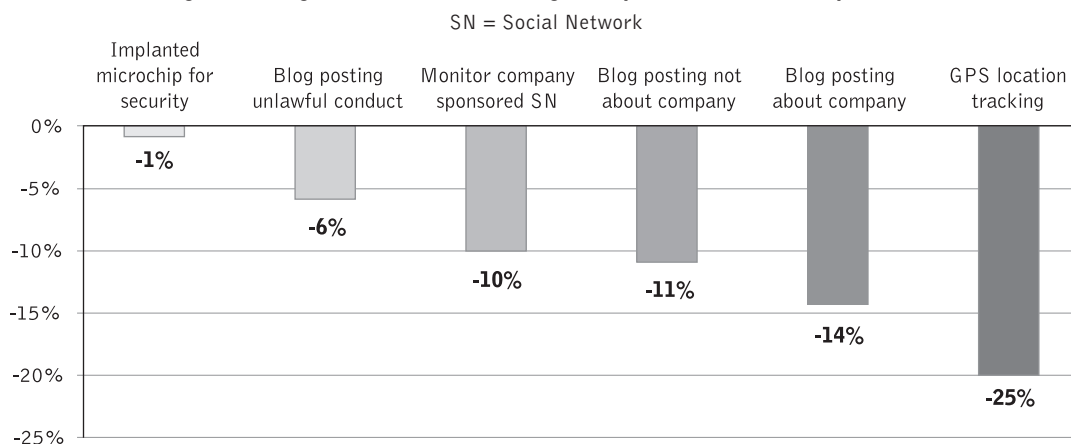


Figure 1b reports the net differences between sub-samples that are negative (i.e., younger-aged workers are *less* likely to see these issues as privacy violations than older-aged workers). It is interesting to see that older-aged workers are much more likely to see the use of GPS to locate employees who are slacking-off as a privacy violation than younger-aged workers.

Figure 1b. Negative Differences: Younger Respondents < Older Respondents



Questions

Q1. Your employer informed you that it would use GPS location-tracking to discipline you for slacking off.

Table 2	YA		OA		Diff.
If this happened to me, I would feel that my privacy was violated.	Freq.	Perc.	Freq.	Perc.	Perc.
Strongly agree	66	18%	92	29%	-11%
Agree	145	41%	171	55%	-14%
Unsure	100	28%	34	11%	17%
Disagree	28	8%	8	3%	5%
Strongly disagree	19	5%	7	2%	3%
Total	358	100%	312	100%	0%

Q2. Your employer reprimanded you because of a post on your personal blog that was critical of the company.

Table 3	YA		OA		Diff.
If this happened to me, I would feel that my privacy was violated.	Freq.	Perc.	Freq.	Perc.	Perc.
Strongly agree	95	27%	97	31%	-5%
Agree	157	44%	165	53%	-9%
Unsure	65	18%	40	13%	5%
Disagree	25	7%	8	3%	4%
Strongly disagree	16	4%	2	1%	4%
Total	358	100%	312	100%	0%

Q3. Your employer reprimanded you because of a post on your personal blog that was *not* about the company.

Table 4	YA		OA		Diff.
If this happened to me, I would feel that my privacy was violated.	Freq.	Perc.	Freq.	Perc.	Perc.
Strongly agree	135	38%	122	39%	-1%
Agree	134	37%	146	47%	-9%
Unsure	65	18%	40	13%	5%
Disagree	21	6%	4	1%	5%
Strongly disagree	3	1%	0	0%	1%
Total	358	100%	312	100%	0%

Q4. Your employer reprimanded you because of a post on your personal blog that was about the company, but contained allegations of unlawful conduct.

Table 5	YA		OA		Diff.
If this happened to me, I would feel that my privacy was violated.	Freq.	Perc.	Freq.	Perc.	Perc.
Strongly agree	90	25%	90	29%	-4%
Agree	151	42%	140	45%	-3%
Unsure	70	20%	68	22%	-2%
Disagree	25	7%	8	3%	4%
Strongly disagree	22	6%	6	2%	4%
Total	358	100%	312	100%	0%

Q5. Your employer allowed you to bring your iPod or other personal electronic storage device to the workplace only if you agreed to periodic, unannounced searches.

Table 6	YA		OA		Diff.
If this happened to me, I would feel that my privacy was violated.	Freq.	Perc.	Freq.	Perc.	Perc.
Strongly agree	108	30%	78	25%	5%
Agree	167	47%	100	32%	15%
Unsure	55	15%	37	12%	4%
Disagree	19	5%	56	18%	-13%
Strongly disagree	9	3%	41	13%	-11%
Total	358	100%	312	100%	0%

Q6. Your employer banned you from bringing your iPod and other personal electronic storage devices to the workplace.

Table 7	YA		OA		Diff.
If this happened to me, I would feel that my privacy was violated.	Freq.	Perc.	Freq.	Perc.	Perc.
Strongly agree	120	34%	80	26%	8%
Agree	182	51%	132	42%	9%
Unsure	40	11%	77	25%	-14%
Disagree	15	4%	15	5%	-1%
Strongly disagree	1	0%	8	3%	-2%
Total	358	100%	312	100%	0%

Q7. Your employer monitored your activities on a social network Web site sponsored by the company.

Table 8	YA		OA		Diff.
If this happened to me, I would feel that my privacy was violated.	Freq.	Perc.	Freq.	Perc.	Perc.
Strongly agree	123	34%	108	35%	0%
Agree	156	44%	165	53%	-9%
Unsure	55	15%	54	17%	-2%
Disagree	23	6%	7	2%	4%
Strongly disagree	1	0%	-22	-7%	7%
Total	358	100%	312	100%	0%

Q8. A potential employer checked your activities on a social network Web site before making a hiring decision.

Table 9	YA		OA		Diff.
If this happened to me, I would feel that my privacy was violated.	Freq.	Perc.	Freq.	Perc.	Perc.
Strongly agree	119	33%	68	22%	11%
Agree	153	43%	134	43%	0%
Unsure	54	15%	56	18%	-3%
Disagree	32	9%	35	11%	-2%
Strongly disagree	0	0%	19	6%	-6%
Total	358	100%	312	100%	0%

Q9. Your employer prevents you from bringing a cell phone with a digital camera into work.

Table 10 If this happened to me, I would feel that my privacy was violated.	YA		OA		Diff.
	Freq.	Perc.	Freq.	Perc.	Perc.
Strongly agree	87	24%	73	23%	1%
Agree	157	44%	124	40%	4%
Unsure	85	24%	91	29%	-5%
Disagree	25	7%	20	6%	1%
Strongly disagree	4	1%	4	1%	0%
Total	358	100%	312	100%	0%

Q10. Your employer agreed to pay for your use of a cell phone with a digital camera feature for business purposes only, but required that you permit periodic searches of the phone.

Table 11 If this happened to me, I would feel that my privacy was violated.	YA		OA		Diff.
	Freq.	Perc.	Freq.	Perc.	Perc.
Strongly agree	91	25%	52	17%	9%
Agree	139	39%	114	37%	2%
Unsure	100	28%	79	25%	3%
Disagree	25	7%	46	15%	-8%
Strongly disagree	3	1%	21	7%	-6%
Total	358	100%	312	100%	0%

Q11. Your employer monitors and views your emails and Internet use over the company's network.

Table 12 If this happened to me, I would feel that my privacy was violated.	YA		OA		Diff.
	Freq.	Perc.	Freq.	Perc.	Perc.
Strongly agree	40	11%	32	10%	1%
Agree	97	27%	87	28%	-1%
Unsure	108	30%	45	14%	16%
Disagree	80	22%	88	28%	-6%
Strongly disagree	33	9%	60	19%	-10%
Total	358	100%	312	100%	0%

Q12. Your employer requires that you permit the company's access to any Web-based e-mail account used to send or receive business-related e-mail (including your home computer).

Table 13 If this happened to me, I would feel that my privacy was violated.	YA		OA		Diff.
	Freq.	Perc.	Freq.	Perc.	Perc.
Strongly agree	80	22%	42	13%	9%
Agree	108	30%	90	29%	1%
Unsure	117	33%	77	25%	8%
Disagree	39	11%	81	26%	-15%
Strongly disagree	14	4%	22	7%	-3%
Total	358	100%	312	100%	0%

Q13. Your employer permitted you to access the company's most sensitive trade secrets only if you agreed to have a microchip, which is smaller than a grain of rice and transmits a security code, inserted into your arm.

Table 14	YA		OA		Diff.
If this happened to me, I would feel that my privacy was violated.	Freq.	Perc.	Freq.	Perc.	Perc.
Strongly agree	212	59%	178	57%	2%
Agree	118	33%	114	37%	-4%
Unsure	14	4%	10	3%	1%
Disagree	5	1%	2	1%	1%
Strongly disagree	9	3%	8	3%	0%
Total	358	100%	312	100%	0%

Q14. If I felt that my employer violated my privacy, I would do the following (check all that apply)?

Table 15	YA		OA		Diff.
If I felt that my employer violated my privacy, I would do the following:	Freq.	Perc.	Freq.	Perc.	Perc.
Complain to my supervisor	176	49%	203	65%	-16%
Complain to a friend or family member	119	33%	115	37%	-4%
Write about it on my personal blog	53	15%	34	11%	4%
Write about it on someone else's blog	85	24%	7	2%	21%
Call an attorney	52	15%	34	11%	4%
Sue my employer	55	15%	38	12%	3%
Find another job	96	27%	46	15%	12%

Q15. For each of the items selected in Q14, please rank them from 1 to 7.

Table 16a – Younger-Aged		
For each of the items selected in Q14, please rank them from 1 = most likely to do and 7 = least likely to do.	Average Ranked	Forced Rank
Complain to my supervisor	2.13	1
Complain to a friend or family member	3.22	2
Write about it on my personal blog	4.18	5
Write about it on someone else's blog	4.17	4
Call an attorney	4.55	7
Sue my employer	4.44	6
Find another job	3.82	3

Table 16b – Older-Aged		
For each of the items selected in Q14, please rank them from 1 = most likely to do and 7 = least likely to do.	Average Ranked	Forced Rank
Complain to my supervisor	2.44	1
Complain to a friend or family member	2.73	2
Write about it on my personal blog	4.57	6
Write about it on someone else's blog	5.03	7
Call an attorney	3.91	3
Sue my employer	3.92	4
Find another job	4.08	5

Table 16c			
Ranking differences between YA and OA groups.	YA Rank	OA Rank	Ranking Difference
Complain to my supervisor	1	1	0
Complain to a friend or family member	2	2	0
Write about it on my personal blog	6	5	1
Write about it on someone else's blog	7	4	3
Call an attorney	3	7	-4
Sue my employer	4	6	-2
Find another job	5	3	2

Q16. Listed below are five statements. Please select *one* statement that best expresses your confidence and trust in your organization's workplace privacy practices.

Table 17	YA		OA		Diff.
Listed below are five statements. Please select one statement that best expresses your confidence and trust in your organization's workplace privacy practices.	Freq.	Perc.	Freq.	Perc.	Perc.
I strongly agree that my employer is committed to protecting the privacy of my personal information.	24	7%	35	11%	-5%
I agree that my employer is committed to protecting the privacy of my personal information.	73	20%	104	33%	-13%
I am unsure that my employer is committed to protecting the privacy of my personal information.	74	21%	60	19%	1%
I disagree that my employer is committed to protecting the privacy of my personal information.	114	32%	62	20%	12%
I strongly disagree my employer is committed to protecting the privacy of my personal information.	73	20%	51	16%	4%
Total	358	100%	312	100%	0%

Q17a. Do you understand your employer's commitments to protect the privacy of your personal information in the workplace?

Table 18a	YA		OA		Diff.
Do you understand your employer's commitments to protect the privacy of your personal information in the workplace?	Freq.	Perc.	Freq.	Perc.	Perc.
Yes	167	47%	162	52%	-5%
No	191	53%	150	48%	5%
Total	358	100%	312	100%	0%

Q17b. If you answered Yes to question 17a, how did you learn about your employer's provider's privacy commitments?

Table 18b	YA		OA		Diff.
If you answered Yes to question 17a, how did you learn about your employer's provider's privacy commitments?	Freq.	Perc.	Freq.	Perc.	Perc.
Read written policy statement.	31	19%	45	28%	-9%
Read online policy statement.	39	23%	17	10%	13%
Spoke with a company's human resource representative.	39	23%	84	52%	-28%
Spoke with supervisor or other co-workers who knew about the company's privacy policies.	75	45%	77	48%	-3%
Spoke with union representatives.	9	5%	32	20%	-14%
I do not recall.	83	50%	60	37%	13%

Q17c. If you answered No to question 17a, when and how should the employer explain its privacy commitments to you? Please check top two choices only.

Table 18c	YA		OA		Diff.
If you answered No to question 17a, when and how should the employer explain its privacy commitments to you?	Freq.	Perc.	Freq.	Perc.	Perc.
When you join the organization.	110	58%	83	57%	0%
Every year as part of the organization's compliance training.	39	20%	50	33%	-13%
When contacting human resources about my personal information.	95	50%	74	49%	0%
When contacting my supervisor about my personal information.	52	27%	37	25%	3%
When visiting the company's employee Web site, with link or tab to privacy rights page.	75	39%	29	19%	20%
Once every year the company should send each employee its privacy notice.	20	10%	14	9%	1%

Q18a. Does your organization have a privacy policy that explains how it protects your employee information?

Table 19a	YA		OA		Diff.
Does your organization have a privacy policy that explains how it protects your employee information?	Freq.	Perc.	Freq.	Perc.	Perc.
Yes	79	22%	65	21%	1%
No	203	57%	184	59%	-2%
Unsure	76	21%	63	20%	1%
Total	358	100%	312	100%	0%

Q18b. Does your organization have a privacy policy that explains how it protects customer information?

Table 19b	YA		OA		Diff.
Does your organization have a privacy policy that explains how it protects customer information?	Freq.	Perc.	Freq.	Perc.	Perc.
Yes	236	66%	209	67%	-1%
No	55	15%	53	17%	-2%
Unsure	67	19%	50	16%	3%
Total	358	100%	312	100%	0%

Q19. How important to you is privacy and the protection of your employee information?

Table 20	YA		OA		Diff.
How important to you is privacy and the protection of your employee information?	Freq.	Perc.	Freq.	Perc.	Perc.
Very important	61	17%	64	21%	-3%
Important	178	50%	169	54%	-4%
Sometimes important	69	19%	50	16%	3%
Not important	50	14%	29	9%	5%
Total	358	100%	312	100%	0%

Q20. Please provide an X next to each one of the 26 information categories listed below if you believe that this item *should not be used* by your employer without obtaining your consent.

Table 21 Please provide an X next to each one of the 27 information categories listed below if you believe that this item should not be used by your employer without obtaining your consent.	YA		OA%		Diff.
	Freq.	Perc.	Freq.	Perc.	Perc.
Age (date of birth)	118	33%	116	37%	-4%
Benefits information	127	35%	105	34%	2%
Credit score or full credit report	214	60%	241	77%	-17%
Educational background	115	32%	155	50%	-18%
Emails and Instant Messages	242	68%	149	48%	20%
Expense reports	184	51%	165	53%	-1%
Files saved on company computer or laptop	166	46%	157	50%	-4%
Gender	39	11%	81	26%	-15%
Health condition	334	93%	300	96%	-3%
Home location & telephone	194	54%	132	42%	12%
Information about spouse and other family members	231	65%	173	55%	9%
Interest and preferences	142	40%	98	31%	8%
Legal or court history	351	98%	265	85%	13%
Name	39	11%	13	4%	7%
Passwords	333	93%	299	96%	-3%
Performance history	316	88%	276	88%	0%
Photo image	87	24%	127	41%	-16%
Political activities	234	65%	235	75%	-10%
Racial and EEOC information	213	59%	190	61%	-1%
Religious affiliation	299	84%	268	86%	-2%
Salary history	257	72%	230	74%	-2%
Sexual orientation	289	81%	300	96%	-15%
Social Security number	274	77%	301	96%	-20%
Time records	203	57%	215	69%	-12%
Travel itineraries	217	61%	201	64%	-4%
Veteran status	150	42%	123	39%	2%
Average	—	58%	—	61%	-3%

Q21. Who within your organization would you contact if you had a question about your workplace privacy? Please select the top two choices.

Table 22 Who within your organization would you contact if you had a question about workplace privacy?	YA		OA		Diff.
	Freq.	Perc.	Freq.	Perc.	Perc.
Compliance department	60	17%	105	29%	-13%
Co-workers	101	28%	78	22%	6%
Human resources	139	39%	165	46%	-7%
I have no idea	75	21%	45	13%	8%
My supervisor	211	59%	168	47%	12%
Privacy office	21	6%	23	6%	-1%

Q22. Listed below are common concerns that people have when their personal information is lost, stolen or wrongfully acquired by outside parties. Please check the top *two* concerns that you would have if your personal information was lost or stolen.

Table 23	YA		OA		Diff.
Listed below are common concerns that people have when their personal information is lost, stolen or wrongfully acquired by outside parties. Please check the top two concerns that you have if your personal information was lost or stolen.	Freq.	Perc.	Freq.	Perc.	Perc.
Identity theft	211	59%	235	75%	-16%
Stalking or spying	158	44%	143	46%	-2%
Marketing abuses	89	25%	87	28%	-3%
Loss of civil liberties	121	34%	153	49%	-15%
Embarrassment because of the revealing personal secrets	165	46%	102	33%	13%
Inadvertent exposure of private information	88	25%	87	28%	-3%
Worry because of the loss of personal information	56	16%	50	16%	0%

Demographics

The following tables provide self-reported demographic results for the presented sample.

Table 24		
Over the past year, how many hours each week did you spend at work?	Frequency	Percentage
20 hour or less	0	0%
20–40 hours	187	28%
40–50 hours	323	48%
More than 50 hours	160	24%
Total	670	100%

Table 25		
Organization type	Frequency	Percentage
Government	108	16%
Business	530	79%
Non-profit (including education)	32	5%
Total	670	100%

Table 26		
What is your highest level of education?	Frequency	Percentage
High School	240	36%
Vocational	102	15%
University or College	250	37%
Post Graduate	65	10%
Doctorate	13	2%
Total	670	100%

Table 27		
Please check your age range?	Frequency	Percentage
Between 18 to 25	152	23%
Between 26 to 30	206	31%
Between 51 to 65	280	42%
Between 66 to 75	27	4%
Over 75+	5	1%
Total	670	100%

Table 28		
Approximately, what is your household income (US\$)?	Frequency	Percentage
Less than \$20,000	69	10%
\$20,000 to \$40,000	143	21%
\$41,000 to \$60,000	123	18%
\$61,000 to \$80,000	115	17%
\$81,000 to \$100,000	79	12%
\$101,000 to \$150,000	56	8%
\$151,000 to \$200,000	70	10%
\$201,000+	15	2%
Total	670	100%

Table 29		
Gender, Please check:	Frequency	Percentage
Female	352	51%
Male	318	49%
Total	670	100%

Ponemon Institute LLC

Advancing Responsible Information Management

Ponemon Institute is dedicated to independent research and education that advances responsible information and privacy management practices within business and government. Our mission is to conduct high quality, empirical studies on critical issues affecting the management and security of sensitive information about people and organizations.

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About Littler Mendelson

Littler Mendelson, P.C. was founded in 1942 for the purpose of representing employers in public and private sector labor issues. After successfully arguing a number of precedent-setting labor relations cases for employers in the food, trucking, and lumber industries, the attorneys of Littler Mendelson soon became known for their persistence and problem solving capabilities. With the passage of the Civil Rights Act of 1964 and subsequent legislation involving a wide range of workplace issues, the legal needs of companies began to rapidly expand. Littler responded to this growing need and has since become the largest law firm in the United States to exclusively represent management in employment law and labor matters. Today, the Firm has more than 600 attorneys in 42 offices throughout the country.

With such a broad geographical footprint, Littler is able to represent employers of all sizes — from small companies on the regional level to major corporations within multiple jurisdictions. And since Littler focuses solely on employment and labor law, it has developed practice groups that concentrate the Firm's considerable resources in the areas where employers face the greatest potential for risk. The Firm is also notable for the substantial investment it has made in technology which enables Littler attorneys to provide rapid, integrated solutions for any labor, employment, or benefits issue.

About Littler Mendelson's Privacy & Data Protection Practice Group

Littler Mendelson's **Privacy & Data Protection Practice Group** provides the experience and insight to help your business comply with privacy laws and avoid costly civil litigation and government enforcement actions.

No matter the size of your business, workplace privacy already is an issue. From background checks and cross-border transfers of information within multi-national corporations to employee "blogging," more and more aspects of the employer-employee relationship are raising privacy concerns. Properly resolving those concerns presents an enormous challenge for employers as the web of local, state, federal, and international privacy and data protection laws and regulations becomes increasingly complex.

Littler Mendelson advises a wide range of businesses on successfully navigating this intersection of privacy law and today's technology-driven workplace. Littler Mendelson's privacy law experts have the experience to help your business comply with new privacy laws and avoid costly civil litigation and government enforcement actions, not to mention the bad publicity and loss of goodwill that often accompany these disputes.

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