

Be Careful About LinkedIn and Twitter Business Accounts

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As businesses increasingly make use of social media and encourage their employees to generate visibility on networks such as LinkedIn or Twitter, conflict will inevitably arise when employees leave the company. A company should consider establishing very clear guidelines as to when such an account will be deemed an asset of the company, and when it belongs to the employee.

A recent case from Pennsylvania illustrates the problem. A company encouraged its co-founder and CEO, Linda Eagle, to establish a LinkedIn account, which she used both to advance her own professional standing and promote the company's business. Later, the company was purchased and, after a period of time, Ms. Eagle was involuntarily terminated. Upon her termination, the company also seized control of her LinkedIn account, changed the password, and the account—along with all of its "Connections" and related features—took on the persona of the new CEO.

Predictably, Ms. Eagle struggled to regain control of the account, which eventually she did, and sued the company under a variety of legal theories. As this was written, that case was heading for trial. Unsurprisingly, similar litigation has also arisen over Twitter accounts.

Although the ultimate outcome will be interesting, what is important for those reading this now is that this kind of situation could occur at your own company. Consider when a Twitter or LinkedIn account should belong to the company, or when it should be the property of the individual. Legal counsel can help to sort these matters out before disputes arise.