

Pennsylvania Court: Employer Cannot Usurp Ex-Employee's LinkedIn Profile

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A [Pennsylvania court has ruled](#) that an employer who hijacked an ex-employee's LinkedIn account after terminating her violated multiple state laws in doing so.

The plaintiff, Linda Eagle, was the co-founder and CEO of the defendant employer, EdComm, a banking education company. The plaintiff shared her LinkedIn credentials with her subordinates in order to help manage her online presence. However when she was terminated after a change in control, those subordinates were ordered to change the account's password, effectively locking the plaintiff out of her own LinkedIn profile. The employer then replaced the plaintiff's name, picture, and other personal information with that of the employer's new CEO.

Importantly, however, the account still contained the plaintiff's name in the URL, "<http://www.linkedin.com/in/lindaeagle>", and further, it still linked to approximately 4,000 of the plaintiff's professional contacts.

The plaintiff sued her former employer, alleging that it had misappropriated her personal identity in order to unlawfully usurp her trade connections and professional goodwill.

While the court accepted that the employer's conduct breached a number of Pennsylvania state laws, it rejected the plaintiff's assessment of damages. Specifically, the plaintiff had argued that because she had generated at least \$1 million in revenue from her 4,000 contacts on LinkedIn, each contact was worth, on average, \$250 per year. As she had been locked out of her LinkedIn account for 3 months, by that math the plaintiff alleged a loss of \$250,000. The court found this assessment was too speculative and lacked corroborating evidence.

As a result, the plaintiff was awarded a declaratory victory... which ultimately rang hollow, as the court awarded no damages.

What does this mean for employers?

This case has little precedential value in Canada since the employer was found to have breached a number of Pennsylvania-specific statutory laws. That said, it's worth noting that the court rejected the plaintiff's common law claims of tortious conversion and tortious interference with economic relations, both of which have counterparts in Canada.

While the issue of ownership over social media identities, trade channels, and goodwill has yet to be resolved by Canadian courts, this case is still a good reminder about the importance of drafting and implementing policies that clearly address these subjects. Tech-savvy employers would also be wise to consult employment counsel not only on the content of these policies, but also how to implement them with contractual force should they ever need to be relied upon.

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