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Nick Hanna and Sam Raymond Author Law360's "Rethinking Corporate Travel Rules After Device Search Cases"

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Law360

In their Law360 [PDF] article "Rethinking Corporate Travel Rules After Device Search Cases," partner Nick Hanna and of counsel Sam Raymond discuss two cases they say have sharpened the stakes for corporations whose employees carry electronic devices across U.S. borders. "Together, the two cases underscore how little protection corporate personnel have at the border," they write.

The two cases highlight three important considerations for corporations whose employees cross U.S. borders. First, wipe and auto-delete features could be highly risky, if not criminal, at the border. Second, corporate policies do not travel with the device, as an employee who hands over passwords and consents to a search can validate that search as against the company, no matter what internal policies provide. Third, timing is crucial, as "destroying data during an inspection is potentially criminal. Minimizing data before travel, by contrast, should remain lawful preparation."

Nick and Sam explain that "uncertainty in the law counsels that corporations should prepare now — before their employees reach the border and potentially have devices seized and searched, not after."

Related People

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Related Capabilities

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