

## Tweet Rights as Trade Secrets?



Many folks use LinkedIn, Twitter and Facebook for business. When an employee leaves, what's that social media account worth? Saying that the account password and business contacts are trade secrets, some companies have launched World War III.

Trade secrets enforcement actions over social media accounts have met mixed results. Some courts have agreed with the company; others have not.

In Texas, there may be an easier way—solid non-solicit agreements. You're usually concerned about your company's contacts who are customers, potential customers and vendors. A non-solicit agreement can call those contacts off limits, regardless of who owns the Twitter account.

We have written about non-solicits covering customers and potential customers [here](#). And about vendors [here](#).

A reasonable non-solicit, however, will eventually expire. If you're interested in protecting the right to access the social media account and contacts as a trade secret, you may need to keep the account.

Taking a couple steps may move the ball down the field towards trade secret protection. Ask your employee to sign a social media agreement before anyone creates the business social media account. The agreement basically sets out your ownership of the account, password and contacts as your trade secrets. Then, your company creates the account and keeps a copy of the password. If the employee leaves, change the password when you cut off the employee's other IT access.



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For more insight into how solid HR practices impact your company's strategic operations, visit Alan's employment law blog at [hrriskybusiness.com](http://hrriskybusiness.com).

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[Non-solicit Agreement](#)

[Trade secrets](#)

Tread lightly here. Personal social media use is a sensitive topic. So think very carefully before you ask for a stake in your employees' social media use. You've got a far easier sell if you're talking about an account that's business use only.

