La Kanzlei

Publication of sensitive company data

Arbeitsrecht



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In a highly mediatised case in which a former employee wanted to publish sensitive information about his employer and his German parent company in a book, the law firm Epp & Kühl successfully enforced the employer's injunctive relief before the French court of appeal - the employee was prohibited from publishing the planned book.

An employee of a French subsidiary, which operated the highly specialized and ultra-innovative technology of the German parent company in France, wanted to publish a book with numerous details about the application of the technology as well as about the internal operating procedure after the end of his employment relationship.

The employer wanted to prevent this for understandable reasons and sued the employee for seeking injunctive relief. After the claim was successfully confirmed by the French labour court, the employee raised his claim before the court of appeal.

The court of appeal prohibited the employee from publishing the book. It made it clear

- that the duty of confidentiality under the employment contract is valid and effective,
- that the publication of the book constitutes a breach of the abovementioned confidentiality clause, which entails an immediate risk of damage to the company, since the employee wished to disclose information which he had obtained in the course of his employment relationship and the confidentiality of which is necessary to protect the interests of the company,
- and that the employee should not be regarded as a whistleblower in that case.

This successfully conducted case shows that confidentiality clauses in employment contracts can avoid extensive damage to the company's image in the event of a dispute. It should therefore be examined in each individual case whether such a clause can be included in the employment contract.

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