

Are You Protecting Guest Privacy, Safety and Security?

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We have all heard about the jury's award in a breach of privacy action against a well known sportscaster. So what are you doing about safeguarding a guest's privacy and safety and security so this does not happen to you? A guest's privacy and safety and security are paramount and more and more the subject of actions against hotel owners. May juries and judges for that matter are viewing these actions seriously and you as an owner must have proper policies in place to protect the safety, security and privacy of its guests and you must insure that your staff adhere to and follow those policies.

As we preach to our clients and managers in the hospitality arena, effective employee training, especially those on the front-line of guest contact and the delivery of guest services is paramount to protecting you and shielding you from these types of actions. Hotel employees must know what is required and expected of them under the policies and procedures, and perform accordingly. Owners and operators must in light of this trend in the industry revisit and re-examine current training and operations, and make modifications needed to reasonably ensure the safety, security and privacy of their guests.

Thought out the country hotel owners and operators owe a special duty of care to their guests. This duty allowed a jury to reach a conclusion that the hotel operator had to reasonably provide for the privacy, safety and security of their guests and it did not do so and thus was liable to the guest. Every owner and operator must ensure that they have up-to-date, written policies in place that address guest safety, security and privacy, and that all employees are being effectively trained on compliance with such policies. Our suggestions for the policies should make it very clear that hotel employees should never provide a guest's room information to any other person without that guest's permission. While this is standard industry practice already, clearly there are those persons who will find creative ways to gain this and other information for illegal or improper purposes. The point is that these policies should also be regularly updated to account for legal developments, and employee training should be an ongoing enterprise within the hotel. If there are any questions as to whether such a policy complies with the applicable law or industry standards in any given jurisdiction, owners or operators should consult with appropriate legal counsel.

Whether your company owns, develops or manages one or several hotels, you need attorneys who understand the industry.

The Hospitality industry group at Tucker Arensberg, PC can assist you with:

- Recognizing and managing risk when acquiring and developing property;
- Understanding and protecting client's rights in management and ownership operational agreements;
- Reviewing and identifying potential problems during due diligence and finding solutions which allow you to make the best business decisions.

For additional information, contact any member of our Hospitality Practice Group.