

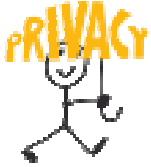
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Madrid, 4, 5 y 6 de noviembre 2009
conferencia internacional
de autoridades de protección
de datos y privacidad

Privacy at work. The worker concerned?

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Madrid, 4th, 5th and 6th, November 2009
international conference
of data protection
and privacy commissioners

Privacy at work.
The worker concerned?

- Background
- Legislation of a general nature
- Trend towards specification and clarification
- The worker concerned?

PRIVACY:
TODAY'S
TOMORROW



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Monday, 4. 5 and 6 novembre 2009

conférence internationale
des commissaires à la protection
des données et de la vie privée

Privacy at work.
The worker concerned?

Employment sector specific framework:

- Scope
- Consent
- Data quality
- Exclusion of the use of personal data collected illegally
- Intrusions into the lifestyle of workers
- Monitoring of workers e-mails or internet/intranet use
- Right to access

VIE PRIVÉE:
AUJOURD'HUI
C'EST DEMAIN



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Privacy at work.
The worker concerned?

Scope

Automated processing *and* entirely manually processing

of personal data that can be used at the basis of a decision that

- produces legal effects concerning the worker or
- significantly affects the worker

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Privacy at work.
The worker concerned?

Consent

- dependant and subordinate position of the worker
- consent and information given too easy
- to be limited as a legitimacy criterion
- genuine free choice to be ensured
- ability to refuse or withdraw consent without detriment

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Privacy at work.
The worker concerned?

Data quality

- direct and necessary link to the employment of the worker
- anonymous or pseudonymous data first
- data collected in principle from the individual worker
- worker to be informed in advance on collection from third parties
- prior unambiguous consent
- right to comment on data collected from third parties

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Privacy at work.
The worker concerned?

Exclusion of the use of personal data collected illegally

- in practice employers can spy on their workers with impunity
- courts allow illegally collected data showing misbehaviour
- not addressed workers not aware of spying
- if aware: not addressed workers will not take the matter to court
- lack of sanctioning violations of privacy in several aspects
- remedies

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Privacy at work.
The worker concerned?

Intrusions into the lifestyle of workers

- increasing interference: smoking, obesity, drug & alcohol consumption
- drug & alcohol testing extremely intrusive
- to be in principle prohibited and regulated by national legislation
- routine testing in principle not justified
- quality requirements for testing

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Privacy at work.
The worker concerned?

Monitoring of workers' emails or internet/intranet use

- routine, including continuous monitoring
- further processing
- secret monitoring
- communication between workers
- protection of the content of private e-mail
- procedure for monitoring
- informing the workers

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Privacy at work.
The worker concerned?

Right to access

- access during working hours
- including the employers' subjective judgmental data
- right to supply with comments

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