

Data processing and data protection in connection with employment

Abstract

This work is dedicated to issues concerning data processing in connection with employment. Given the extensiveness of this topic, this thesis focuses primarily on the processing of personal data prior to the establishment of an employment relationship. The main area of study is the job applicants' data processing in different model situations. The aim of this thesis is to establish a solution for how to process candidates' personal data in order to comply with the General Data Protection Regulation. The goal is accomplished by applying the General Data Protection Regulation to particular model situations.

This work is divided into three chapters. Chapter 1 deals with the history of the data protection law and presents differences between the right to data protection and the right to privacy. It also discusses the current legal regulations in the General Data Protection Regulation and the Czech Data Processing Act and gives reasons for adoption of such legislation. Chapter 2 concentrates primarily on the key terminology of the data protection laws. This chapter consists of sub-chapters according to the terms discussed, namely personal data, data subject, data processing, controller and processor. Related issues from the General Data Protection Regulation and Czech and international court case law are discussed simultaneously with these key terms. In Chapter 3 General Data Protection Regulation is applied to the model situations that commonly occur in connection with the employment recruitment process. This chapter also describes the restrictions imposed on the processing of job applicants' personal data by labour law and a controller's obligation to provide job applicants with the information concerning the processing of their data. In particular, the author analyses the processing of job applicants' personal data taking place prior to the employee selection process, during the employee selection process and after the termination of the employee selection process. The last subchapter deals with the job seekers' data processing by employment agencies. Special attention is paid to the role of the employment agency vs. the employer and to their relationship from the perspective of the data protection laws.

Keywords

GDPR, data processing, job applicants