

# **Monitoring of employees in context of General Data Protection Regulation**

## **Abstract**

This diploma thesis focuses on the supervision and monitoring of employees from multiple perspectives. Based on the relevant European and national caselaw the thesis specifies whether employees shall have right to the protection of their privacy and integrity at the workplace. Thesis also analyses selected aspects of personal data protection with emphasis on personal data of employees as data subjects processed by employers as controllers. In particular attention is devoted to selected obligations, which arises from General Data Protection Regulation for such personal data processing in the light of relevant statements and guidelines provided by the European Data Protection Board, Article 29 Data Protection Working Party and the Office for Personal Data Protection.

Thesis in detail addresses the supervision of employees carried out by § 316 of the Labour code, whereas interprets its provisions as well as conditions for establishing the supervision of employees arising from such interpretation. Classification of the provisions of the § 316 paragraph 1 to 3 and their interdependencies are further outlined. Thesis defines monitoring as one way to carry out supervision under paragraph 2 through the analysis of the term “monitoring” as such as well as definition of monitoring is proposed, thereafter monitoring via camera systems is addressed. This thesis also sets out criteria, which establishes monitoring via camera systems as personal data processing, when fulfilled. Thesis also addresses issues of the covert video monitoring of employees in relation to the principle of transparency drawn up by General Data Protection Regulation.

Finally, the view on the complexity of the legislative framework regulating monitoring and privacy and personal integrity protection is provided as well as the view on legislation fragmentation into individual legal acts. The abovementioned is illustrated by the example of camera system implementation into premises, where personnel of different positions can meet and when the employer is obliged to act in compliance with different legal acts in relation to individual personnel, who can be subjected to monitoring.

**Keywords:**

Right to privacy at the workplace, personal data protection, supervision of employees, monitoring of employees.