

Protection of Personal Data Prior to Employment

Abstract

The development of new technologies has completely changed the view on how personal data is being processed in labor relations. Screening job seekers on social networks or using artificial intelligence to analyze a candidate's predispositions are, at first sight, much less intense and conspicuous forms of invasion of privacy than traditional surveillance methods such as the use of security cameras. Employees and job seekers are therefore in a very disadvantageous position, which has not yet been reflected on the level of EU legislation.

The legal regulation of personal data protection is very specific in its abstraction. When processing personal data, it is necessary to keep in mind the basic principles of data handling, and each processing should therefore be (among other things) purposefully limited, minimized, transparent and correct. However, these concepts are so abstract that their interpretation is the subject to countless debates even among personal data protection experts. In view of the above, it is understandable that it may be very difficult for many employers to know what specific measures of data protection are to be applied. For this reason, in practice, there is considerable formalism in the application of some institutes which stems from a lack of understanding of their purpose, i.e. not ensuring the best protection of personal data possible, but taking measures that are proportionate and able to ensure adequate protection of the data subject given the circumstances.

This master's thesis deals with the processing of personal data while initiating employment. The subject of the research is the processing of personal data before the employment and the subsequent impact of the employment on the processing of successful and unsuccessful job seekers, using real model situations. In this context, the author aims to comprehensively explain what obligations the employer as a controller of personal data have from the GDPR.

Key words: GDPR, processing of personal data by the employer, job seeker