

Personal data protection in labour law relationships and protection of whistleblowers

Abstract

With the development of new technologies at the turn of the millennium came an increase in the number of personal data processing, which required more detailed legislation. This is especially important with regards to labour law relationships in which the employer has to process the personal data of their employees due to legal obligations, or may decide to process them by their own decision and base this processing of personal data on their legitimate interest or consent of the employee, which the employee can hardly resist due to their weaker position.

The aim of this thesis is to analyze the basic legal terms, principles and legal grounds of personal data processing and to point out some aspects of their application in labour law relationships. To achieve this goal, the author uses international, European and national legislation and a wealth of literature, articles, internet resources, documents of the Office for Personal Data Protection and documents of WP29 and the European Data Protection Board. He then uses European and national case law to support his claims.

The first part of the thesis is devoted to the legislation of personal data protection (and privacy) at the international, European and national levels.

The second part of the thesis is focused on the scope of legislation of personal data protection and some basic concepts, the interpretation of which is necessary for further analysis of the issue.

The third part deals with the principles relating to processing of personal data, which stand at the very center of the legislation and outside their interpretive function also act as barriers in the legislative process of the Member States and the European Union as a whole.

The fourth part follows the principles of personal data processing and deals with the legal grounds of processing employee data by the employer.

In the last part of this thesis, the author applies the legal regulation of personal data protection to the current possibilities of introducing internal systems of whistleblowing and the prepared legal regulation of whistleblowing and considers the competition of both regulations, as well as their certain shortcomings and controversial areas.

Keywords:

Personal data protection, labour law relationships, whistleblowing