

# **Employee Surveillance in the Workplace: Examining the Use of Video Recordings in Legal Proceedings**

## **Abstract**

This thesis explores the issue of employee surveillance in the workplace, specifically the use of camera systems, and the subsequent admissibility of video recordings (whether legally or illegally obtained) as evidence in legal proceedings. The study is grounded in a literature review, case law, and relevant opinions and guidelines issued by both European Union and national institutions regarding data protection. It also examines pertinent legal regulations, including EU law, specifically the General Data Protection Regulation, and national labour laws that govern workplace relations.

The thesis aims to outline the requirements that employers must adhere to when installing surveillance cameras or when monitoring employees through already existing camera systems. It also examines the conditions derived from case law regarding the use of camera footage in legal proceedings, particularly in cases where the footage may have been obtained unlawfully, for instance, to defend against allegations of misconduct by employees.

The thesis is structured into five chapters. The first chapter provides an overview of the historical evolution of privacy protection laws. The second chapter discusses the broader legal foundations of personal data protection, including international, EU, and national regulations, alongside key foreign and Czech case law. It also highlights the contributions of the European Data Protection Board and the Article 29 Data Protection Working Party. The third chapter delves into workplace privacy, the definition and classification of camera systems, and the interpretation of "workplace" in this context. It also addresses issues related to the use of fake cameras.

The fourth, and most comprehensive, chapter examines the specific conditions outlined in the GDPR and the labour code that must be met for employers to legally implement surveillance cameras. It discusses the principles employers must follow when processing employees' personal data, the responsibilities of the employer, and the rights of employees as data subjects under the GDPR. The final chapter focuses on the conditions under which footage obtained by an employer can be deemed admissible in legal proceedings, considering the legality of the recording and the type of proceedings (civil, criminal, or administrative).

**Keywords: employee surveillance, personal data protection, video recordings as evidence**