

Resumé

Personal data protection in employment formation

This thesis is concerned with the questions of personal data protection in connection with labor-law relationships. In the concrete the author focuses on personal data protection in formation of the employment. First the author deals with general legal basis of the issue and, consequently, the author analyses personal data protection in positive law, namely in the Act No. 101/2000 Coll., on the Protection of Personal Data, as amended. The author examines in detail some questionable duties of the employer connected with processing of personal data of his employees and, at the same time, refers to the imperfection of transposition of the Directive 95/46/ES of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of these data.

On the basis of given comments the author in the general level presents the scope of personal data that can be requested by the employer from the employee in formation of the employment. The author deals with often discussed cases of processing of personal data in the labor-law relationship as for example using of the employee 's photography, recording his family relationships etc.

By means of practical example of sentence an employee for crime, the author presents the disputableness of application and interpretation of relevant legal regulation. In this connection, while shortly mentioning the Slovak legal regulation of the Act No. 311/2001 Coll., Labor Code, as amended, the author demonstrates a partially different solution.

The thesis summarily refers to the most frequent faults in processing of personal data of employees, namely in formation of employment. At the same time the thesis gives a compact summary of argumentation related to the regulation of personal data protection. Such summary of argumentation is necessary for the reader to understand the subject matter of this thesis.

Keywords: labor law, personal data protection, employment formation