

Information and Data Protection in Labour Law Relationships

The thesis is concerned with the issue of personal data protection in labour-law relationships, as it mainly deals with cases where the employee's right to privacy collides with employer's right to property protection. The aim of the thesis is primarily to give a complex interpretation concerning personal data protection in the context of labour law. Besides, the author attempts to solve some questions whose practical application may cause problems and draws attention to frequent bad habits that happen at workplaces. The thesis consists of four chapters which are further divided into subchapters.

In the outset of the thesis the author deals with basic legal framework of privacy protection of an individual, and personal data protection as part of privacy, both in Czech legislation and in the context of international law and European Union law.

Next chapters explain selected key terminology that occurs in the Directive 95/46/EC 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 such data, the Act No. 101/2000 Coll., on Personal Data Protection and the Act No. 262/2006 Coll., Labour Code, and define basic principles that are applied when processing of personal data. The author also takes into account the upcoming regulation on the protection of individuals with regard to the processing of personal data and on the free movement of such data which is soon to replace the Directive 95/46/EC 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 such data.

The last chapter mentions problems related to labour-law relationships which are in reality the most likely to happen – the issues of personal data protection in each stage of an employment relationship, the use of employer's computer technology and work e-mail address for employee's private purposes, monitoring of employees by camera system and GPS technology. Each situation is described theoretically and consequently demonstrated by decision of courts or the Office for Personal Data Protection, while the author tries to name and summarize various elements which have to be taken into account in similar situations.