

# **PERSONAL DATA PROTECTION UNDER THE GDPR WITH FOCUS ON EMPLOYMENT RELATIONSHIP AND BIOMETRICS**

## **ABSTRACT**

This thesis focuses on the very complex and legally complicated issue of personal data protection in the period since the GDPR Directive came into force, i.e. from May 2018 onwards. The adoption of this data protection regulation can certainly be described as one of the most pivotal moments in the history of European legislation, as there has never before been a unifying regulation so extensive that it forced all Member States to regulate such a peculiar area in exactly the same way. For this reason alone, both before and after the GDPR came into force, the topic of data protection has been the subject of numerous debates, as the regulation in question has brought about many significant changes that were previously unprecedented in the field of data protection. The purpose of this work was not to comprehensively discuss all these new institutes, rights and obligations and other parameters of the GDPR, but to describe only the most important ones in detail and then to focus on their specifics in employment relations, with a focus on biometrics.

For this reason, the second part of the thesis first focuses on the situations in which an employer is obliged to process the personal data of its employees or potential employees. This is because the processing of personal data in the context of employment relationships can be divided into three separate time periods, each of which involves the processing of a different set of personal data. Firstly, the processing of personal data of potential employees already takes place in the context of selection procedures in which employers obtain information about the candidates concerned in order to find the right candidate. After the selection procedure and the conclusion of the employment contract, the employer then processes the personal data of its employees for the duration of the employment relationship, mostly for the purpose of fulfilling his legal obligations. In fact, the employer is required by law to process a lot of personal data relating not only to the employment relationship and the events that take place in it, but also personal data in relation to tax and social security contributions. Finally, even if the employment relationship is terminated (no matter how), the employer is obliged under the law to keep certain documentation, such as pension records, payroll records, etc., for a period of time given.

After a detailed description of how personal data is processed in the context of employment relations, the work then focuses on the last key area, namely the processing of biometric data of employees. According to the GDPR, biometric data belongs to the so-called special category of personal data, which in other words means that their controllers and processors are subject to greater obligations than when processing ordinary personal data. Nowadays, the use of biometric technologies is much more frequent even in the context of employment relations, because it is administratively much less demanding than traditional methods of processing personal data, and because biometric data cannot be falsified, lost, changed, etc. This makes them much more attractive data for the employer and the fulfilment of his obligations under the Labor Code and other social security law regulations than ordinary personal data. Therefore, in the last passage of this thesis, attention is paid in particular to all situations in which biometric personal data may be processed between employer and employee, always with an assessment of whether the employer is entitled to such processing at all.

The crucial point is that the current regulation of biometric data processing does not correspond to their practical use, as they are essentially overlooked from a legislative point of view, which is not a sustainable situation. In the future, it will therefore be necessary to pay much more attention to this issue not only at the academic level, but also at the practical and legislative level, and to adapt the processing of biometric data so that it is usable in application practice.