

PERSONAL DATA PROTECTION AT THE WORK  
PLACE-  
GENERAL DATA PROTECTION REGULATION [GDPR]  
AND INFORMATION AND CONSULTATION  
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# Definitions: Personal data

## Article 4 of the Regulation

**any information relating to an identified or identifiable natural person**



# Definitions: Sensitive personal data

## Article 9 of the Regulation

- personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs or trade union membership,
- genetic data, biometric data
- health-related data
- sex life



# Definitions

**Employees:** Persons employed in the private or the public sector of economy, candidates for a job and ex employees,

**Employer:** Persons that binds the organisation, the contents and in general the terms of employment, including all forms of employment (Directive 115/2001 Authority for the Protection of Personal Data),

**Dependent employment:** Work is performed under the control and supervision of the employer, regardless of the validity of the working relationship (Directive 115/2001 Authority for the Protection of Personal Data).



# Processing of personal data of members of staff

## Decision of the Supreme Court of Greece 1/2017:

it is only allowed in principle for purposes directly related to the employment relationship and the organization of work.

The collection and processing must take place in such a way as to interfere as little as possible with the worker's personal life, using lesser means of achieving the purpose for which the information is collected.

In order to be lawful, the processing should be done for the purpose for which it is intended and not for other purposes (similarly, Council of State 1616/2012).



# Processing of personal data of members of staff

According to the **Case Law of the Authority for Personal Data Protection**, personal data in order to be lawfully processed must:

- α) To be collected fairly and lawfully
- β) To be relevant, appropriate and not exceed those required at any time
- γ) To be accurate and, if necessary, to be up-dated.
- δ) To be kept in a form that allows the identification of their subjects.



# Processing of personal data of members of staff

It is permitted only when the data subject has given his/her **consent**.

**By way of exception**, personal data may be processed, **without the consent** of the person concerned, where this is strictly necessary to satisfy the legitimate interest pursued by the person responsible for the processing.....  
*Provided that this clearly outperforms the rights and interests of the persons to which the data refer to and that fundamental freedoms of the later are not affected".*



# Processing of personal data of members of staff

is allowed insofar there is a fair balance between the protection of this right and respecting other constitutional rights such as the right to legal protection (Article 20 (1) of the Greek Constitution) and entrepreneurial freedom (Articles 5 and 106 paragraph (2) of the Greek Constitution).





# Processing of personal data of members of staff

## Basic principles:

- Principle of necessity
- Principle of transparency
- Principle of legality
- Principle of proportionality



## Protection of e-mails of employees

The European Court of Human Rights has held that telephone calls and e-mails from the workplace may be considered as special aspects of the privacy and are protected by Article 8 of the European Convention on Human Rights.



# Protection of e-mails of employees

According to the prevailing view, the constitutional protection of confidentiality is limited to the stage of communication, that is, to the time communication takes place and it ends when this stage expires.

Privacy protection ends when the recipient receives knowledge of the content of the message.



## Protection of e-mails of employees

Opinion no. 6/2008 of the of the Highest Court:

“the hard drive of a computer is not a form of communication, and therefore data stored on the computer hard disk does not fall within the confidentiality of communication”.



# Protection of e-mails of employees

## *Conclusions:*

- *Following corporate emails of employees is allowed*
- *It is advisable to prepare an e-mail policy*
- *Add at the end of e-mails a text warning that messages may be recorded.*



# Protection of e-mails of employees

## *Conclusions:*

- *Keeping track of the employees' personal (not corporate) emails is in principle illegal.*

*The business - employer must keep the collected data safely and permanently delete any data that is not needed.*



## Examples of the case law of the Personal Data Protection Authority

- *It is legitimate to record cashiers during work time.*
- *The use by an employee of a computer belonging to the employer, when he has previously been explicitly informed that this use is forbidden for non-professional reasons.*



## Examples of the case law of the Personal Data Protection Authority

- *It refers to medical information requested from the file of a former employee in order to refute the claim for damages brought by the former employee against the company.*
- *the employee has the right to receive full copies of his personal and disciplinary file from the employer.*





# Examples of the case law of the Personal Data Protection Authority

- *the installation and operation of a biometric system to monitor employee compliance to work-schedule is forbidden.*



## Issues of protection of personal data

# Information and consultation and collective redundancies





# Questions? Discussion

