

Data Protection and Workplace Privacy

Recent Developments in Hungary



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WORKPLACE PRIVACY

why is it so special?



1. **Workpace**

2. **Privacy**

➤ subordination

➤ rights and duties

➤ human beings who have

➤ a "life away from work" (Case No.1 Show me the laptop!)

➤ a family (Case No.2 Prior notice on pregnancy)

➤ an opinion (Case No. 3 To like or not to like...)

The rules of the game

- New Constitution
- New DPA CXII/2011
- New Labour Code
- New Authority (Data Protection Commissioner – National Authority for Data Protection and Freedom of Information)



No.1

Show me the laptop!

NAIH-421-19/2013/H.



What should have happened

1. prior notification (Why? Who? How long? Rights?)
2. last resort
3. proportionality
4. only work related data, protection of PD
5. IT personnel only
6. internal code
 - “yes-no”
 - documentation
 - training

What has actually happened

1. -
2. -
3. -
4. credit card, TU, health status, adult content
5. Employer
6. yes, BUT
 - “inappropriate content” ?
 - -
 - -

1.500.000 HUF (approx. 5000 Eur)

No.2

Prior notice on pregnancy

Constitution Court decision No. 17/2014. (V. 30.) AB published on 27 May 2014



- Dismissal protection in LC (prior notice on pregnancy/IVF)
- Unconstitutional
- European decision
- Omnipotent labour code?

No.3

To like or not to like...



- Nature of social media sites
- 3 phases of
 - Let's google!
 - Let's be friends
 - Till Facebook do us part
- What is at stake?
 - insight
 - false conclusion
 - autonomy, dignity
 - trust
 - diversity

Thank you for your attention!

