

NEWSLETTER

Employer Video Surveillance – Work Monitoring or Safety?



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The use of video surveillance, GPS devices, employee monitoring software, timekeeping systems for tracking attendance, and various other similar tools constitutes the processing of personal data. Therefore, such actions must be carried out in accordance with legally prescribed principles

of data processing and with adequate employee notification.

This particularly means that the employer is obliged to first establish the existence of a legitimate interest for such processing and whether the specific objective (e.g., monitoring employee performance, ensuring compliance with work discipline, investigating causes of workplace injuries, etc.) can be achieved in a less invasive manner that minimally infringes on the legally guaranteed rights of employees to personal integrity, dignity, and safe and healthy working conditions.

For example, employer may only implement video surveillance of business premises and production areas if it is necessary for the safety of individuals and property, to control access and exit from official or business premises, or if there is a potential risk to employees due to the nature of the work. If the sole purpose of video surveillance is to monitor employees' routine activities and behavior during working hours to assess their work performance, such processing of personal data would not be permissible, as it would violate the employees' right to privacy.

In any case, the employer must issue a written decision on the introduction of specific surveillance measures, which must include the reasons for their implementation. Employees working in areas under such surveillance must be informed in writing about the existence and manner of implementation of these measures.

It should be noted that a special regulation stipulates that the employer should particularly

refrain from unjustifiably excessive monitoring of work, all with the aim of preventing harassment and sexual harassment of employees.

A model act for assessing legitimate interest as a legal basis for the processing of personal data is available on the [website of the Commissioner](#) for Information of Public Importance and Personal Data Protection (Commissioner). In the [available publications of the Commissioner](#), you can determine specific examples where the Commissioner has sanctioned employers who did not use surveillance measures in accordance with law.

Given all the above, it is indisputable that this is a very complex issue that should be viewed primarily from the aspect of personal data protection and labor law. Therefore, we recommend consulting a lawyer in each specific case of introducing or changing employee monitoring methods.

For any additional questions or information, please contact us via email teodora.veruovic@tsg.rs.