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Video surveillance in the workplace: control over the processing of personal data.

Given the increase in the number of organizations installing video surveillance systems on their premises, monitoring both visitors and employees, the supervisory body (the National Personal Data Protection Center) clarified that such actions may be considered a violation of legislation on the protection of personal data, and updated its recommendations in December, what to consider not to violate the law.

Some of the key points are below.

1. There must be a legal basis for the use of video monitoring systems. The first option – if it is directly required by law. Thus, it is possible to install video monitoring systems without consent, if such a surveillance system must be installed in public places to secure safety there: i.e. in hotels, stationary commercial facilities, health care institutions, and tourist facilities (Edict of the President of the Republic of Belarus No. 527 of 28.11.2013 "On the issues of creating and using a video surveillance system in the interests of ensuring public order").
2. If the legislation does not directly specify such an obligation, the installation of video surveillance systems without consent may be determined by the necessity to fulfill the duties (powers) stipulated by legislative acts, for instance, to ensure the fulfillment of the employer's duties to enforce the production and technological, executive and labor discipline.
3. However, the use of video surveillance systems cannot be unlimited and redundant even if there are bases for it. For example, video surveillance of workplaces is allowed if there is a necessity for constant control (work with material values like cashiers in retail facilities, in banks, etc.), and continuous customer service. At the same time, video monitoring of office workers without special conditions or selectively is not allowed without the consent of the workers. However, even such consent, in the opinion of the National Personal Data Protection Center, may not be regarded as free will, therefore, it does not comply with the requirements of the legislation.
4. The use of video monitoring with video facial recognition in the access control systems in the building to record attendance / leaving for work is allowed, as a rule, with the consent of employees. In such a situation, the supervisory body assesses the availability of an alternative entrance to the building and the possibility of using other means of control.
5. The supervisory authority separates video monitoring and audio monitoring (voice recording). Thus, the right to install a video monitoring system does not imply the right to use audio monitoring, except, for example, if security measures are necessary. In such a situation, the employees must be informed.
6. Thus, using video monitoring and audio monitoring systems, operators need to do the following:
 1. Review the legal basis for the use of video monitoring and audio monitoring.
 2. Draft local legal acts: video surveillance policy (publicly available, including on the website) and information for employees' access (purpose of video monitoring, locations of cameras and the space they cover, storage period of video recordings (recommended period – 30 calendar days) and other information to provide transparency of the processing).
 3. Install special information signs (placards) with notification of video monitoring.
 4. Obtain the employee's consent (if necessary).

Practice areas

EMPLOYMENT

Locations

BELARUS

