

Process No. 9357/2018

AUTHORIZATION No. 7037/ 2018

The entity Sociedade Hoteleira Outarcil, Lda., notified the CNPD of a data processing biometrics whose purpose is to control the attendance of workers.

treatment processes the

O

Position/category/function performed/ entry date and time/ exit date and time.

following data: Name/ Employee number/ hours/

The fingerprint template is registered, resulting from the algorithmic interpretation of points physiometric data, which is stored in a central database. stored in a terminal place.

The information is processed in a central system with a single establishment, being accessible in

Avenida 5 de Outubro, nº 55 1050-048 Lisbon

There is no Workers' Commission.

The CNPD has already commented on the principles applicable to the processing of biometric data for access control and attendance of workers in its Determination of 26 February,

2004, as well as on the legal framework, the grounds for legitimacy and the measures to be taken.

take for correct compliance with the Data Protection Act. From these principles, the

following treatment limits:

☐ The reversal of biometric data is not allowed, that is, the decoding and reproduction of the image of the biometric feature.

☐ The processing must be carried out with respect for privacy (Article 2) and for specific, explicit and legitimate purposes (art. 5, no. 1 al. b); the data must be adequate, relevant and not excessive in relation to the purpose and proportionate with objectives to be achieved (art. 5.º n.º 1 al. c)

☐ The biometric data capture operation cannot be carried out in violation of the

personal identity of the worker (art. 26 of the CRP), with injury to his physical integrity

(art. 25.º no. 1 of the CRP) or with an intrusion into the privacy of private life.

☐ The collection operation cannot be translated into discrimination or violation of the duty of respect and dignity of the worker.

☐ False rejection and acceptance rates must be adequate to the pursuit of the purpose declared.

☐ Biometric information cannot be used for any purpose other than the attendance/access/attendance and access control.

Since the biometric data is an adequate means to ensure a "legitimate purpose" of the entity employer - attendance/access/attendance and access control - considers the CNPD that the use of this technology does not involve any violation of the personality rights of the worker.

The data collected is necessary for the purpose it is intended to achieve - the control of attendance – not appearing to be excessive. No data other than those expressly authorized.

The equipment for reading biometric data, because the purpose is to control the attendance, cannot be located in a way that could be used as a means of controlling the movement of workers within the premises.

The basis of legitimacy for the processing of data for the purpose of controlling attendance/accesses/assiduity and accesses has as its source the forecast of article 6.º al. e) of the Law 67/98, since the processing is carried out in the "pursuance of the legitimate interests of the person responsible".

Thus, with the limits set, the treatment notified under the provisions of articles 6, paragraph e), 27, nº 1, 29 and 30, nº 1 of Law 67/98, of 26 October, amended by Law 103/2015, of August 24, in the following terms:

Responsible

Outarcil Hotel Society, Lda.

Goal

assiduity

Personal data category

treaties

Name / Employee No. / Hours / Position / Category / Function

performed/ entry date and time/ exit date and time.

the fingerprint da template, , resulting from interpretation

dot algorithm

physiometric, without the possibility of

reconstruction of the biometric data.

Form of exercising the right to

access

By request In person / to the person in charge in the following

address/contact: Avenida 5 de Outubro, nº 55 1050-048

Lisbon

Data communication

There is no communication of data to third parties

interconnections

There is not

Cross-border flow to third countries None

data conservation

Period of Exercise of Functions

It is necessary to ensure effective prior information, by the employer, in

in relation to the determining purposes of the collection, the recipients and the conditions of use

of those data, as well as the remaining elements of article 10.º no. 1 of Law no. 67/98.

The employer must create alternative control solutions to address the shortcomings of the

system, especially those resulting from false rejection rates or inability to

for the worker to present his biometric data for authentication or

recognition

The data subject may – when there are substantial and legitimate reasons relating to his/her situation

(cf. article 12.º al. a) of Law 67/98) – exercise the right of opposition in relation to the

treatment. In this case, you must present the grounds on which the right of opposition is based,

it is up to the person in charge to appreciate them, and the CNPD may ultimately intervene in the assessment and

weighting of the interests involved (cf. article 6.º al. e) and 12.º al. a) of Law No. 67/98).

Lisbon, 24-05-2018

The president

Filipa Calvão