

Thiel: "The general personal rights of employees outweigh corporate interests"

Judgment on employee data collection at Amazon Winsen

In yesterday's session, the Administrative Court of Hanover lifted the prohibition order issued by the Lower Saxony State Commissioner for Data Protection (LfD) against Amazon Logistik Winsen GmbH. With this decree, the LfD Niedersachsen had prohibited Amazon Logistik Winsen GmbH from collecting and further processing quality and quantity performance data of the employees continuously and up-to-the-minute.

"I am still of the opinion that the general personal rights of the employees prevail," says the state representative Barbara Thiel.

"In my view, the pressure to adapt and perform resulting from the minute-by-minute collection of performance data and its further processing should be given greater weight than the company's economic interests."

Like the administrative court, the LfD Lower Saxony also sees that there is an urgent need for action by the federal legislature for employee data protection and that clear regulations must be enacted: "The limits of data processing by employees must be clearly defined by law," says Thiel.

The current case shows how justified the demands of the conference of independent German data protection supervisory authorities of the federal and state governments from their resolution "The time for an employee data protection law is 'now!'", published on May 4th, 2022.

In this resolution, the federal legislature is asked, among other things, to create legal cornerstones for the limits of behavior and performance monitoring.

The administrative court in Hanover has allowed an appeal against the verdict. Whether the LfD Niedersachsen will make use of this will be the subject of a discussion with the written reasoning of the judgement.

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