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Company

The inspection was initiated on the basis of a complaint in which the processing of personal data of employees of the inspected company was objected in connection with the use of an attendance system with fingerprint recognition technology, and the monitoring of employees through a camera system, while working with a computer and using GPS located in company cars. In particular, the legality of such processing, provision of information on the method of processing and security of personal data was objected.

For the purpose of keeping records of working hours, the company also processes a special category of personal data (in the attendance system it processes biometric data, i.e. a hash – a signature from a fingerprint converted into a numerical form) on the basis of the express consent of the data subjects.

A total of 7 employees out of 8 gave consent to the controlled person, by signing the document Consent to the processing of personal and biometric data and instructing the data subject.

The granted consent did not meet the legal requirements, as the information and instructions to the data subject about the purpose, methods and time of biometric data (fingerprint) processing were not clearly formulated and were not transparent. On the basis of the above, the inspectors came to the conclusion that the person being inspected does not have express consent to the processing of a fingerprint in accordance with Article 9 paragraph 2 letter a) and thus violated the obligation of legal processing according to Article 9 of Regulation (EU) 2016/679 and also violated the information obligation according to Articles 12 and 13 of Regulation (EU) 2016/679.

During the inspection, the defective condition was rectified - bringing consent and information obligations into compliance with Regulation (EU) 2016/679.

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