

Comment from Anrich Potgieter for Discussion 3 (GDPR case study) :

Hi Spiros, thank you for your insights regarding the use of CCTV in a disciplinary process.

As you say, it is clear that the organisation was compliant under the GDPR Article 6 (f) Lawfulness of Processing (GDPR.EU, 2018a).

I find it interesting that the employee stated that they were not informed that their personal data could be used in a disciplinary process. This led me to think of two thoughts; first, the employee was lying in an attempt to avoid losing their job, and second, there was ambiguity regarding the transparency in the documentation provided by the organisation that the employee had signed.

Articles 13 & 14 outline the Right to be Informed, which extends to transparency when processing personal data (dataprotection.ie, 2021). In this case, the organisation was not as transparent as it could have been, and it should be clear to the employee that their personal data will be used in this way. Additionally, the organisation should have installed signage within the control room, making it clear that the employee was being recorded; this may have been a deterrent to their subordination.

CCTV in the workplace is an incredibly high-risk data processing activity. It is an organisation's responsibility to perform a DPIA (Data Protection Impact Assessment) to determine the level of risk when processing such data to protect both themselves and their employees (GDPR.EU, 2018b).

References

dataprotection.ie (2021) *The right to be informed (transparency) (Article 13 & 14 GDPR) | Data Protection Commission*. Available at: <https://www.dataprotection.ie/individuals/know-your-rights/right-be-informed-transparency-article-13-14-gdpr> (Accessed: 15 July 2021).

GDPR.EU (2018) *Art. 6 GDPR - Lawfulness of processing - GDPR.eu*. Available at: <https://gdpr.eu/article-6-how-to-process-personal-data-legally/> (Accessed: 17 July 2021).

GDPR.EU (2018b) *Data Protection Impact Assessment (DPIA) - GDPR.eu*. Available at: <https://gdpr.eu/data-protection-impact-assessment-template/> (Accessed: 15 July 2021).