# EYES OVER ENPLOYEES:

**Cross-Jurisdictional Data Privacy Implications of Employee Surveillance** 



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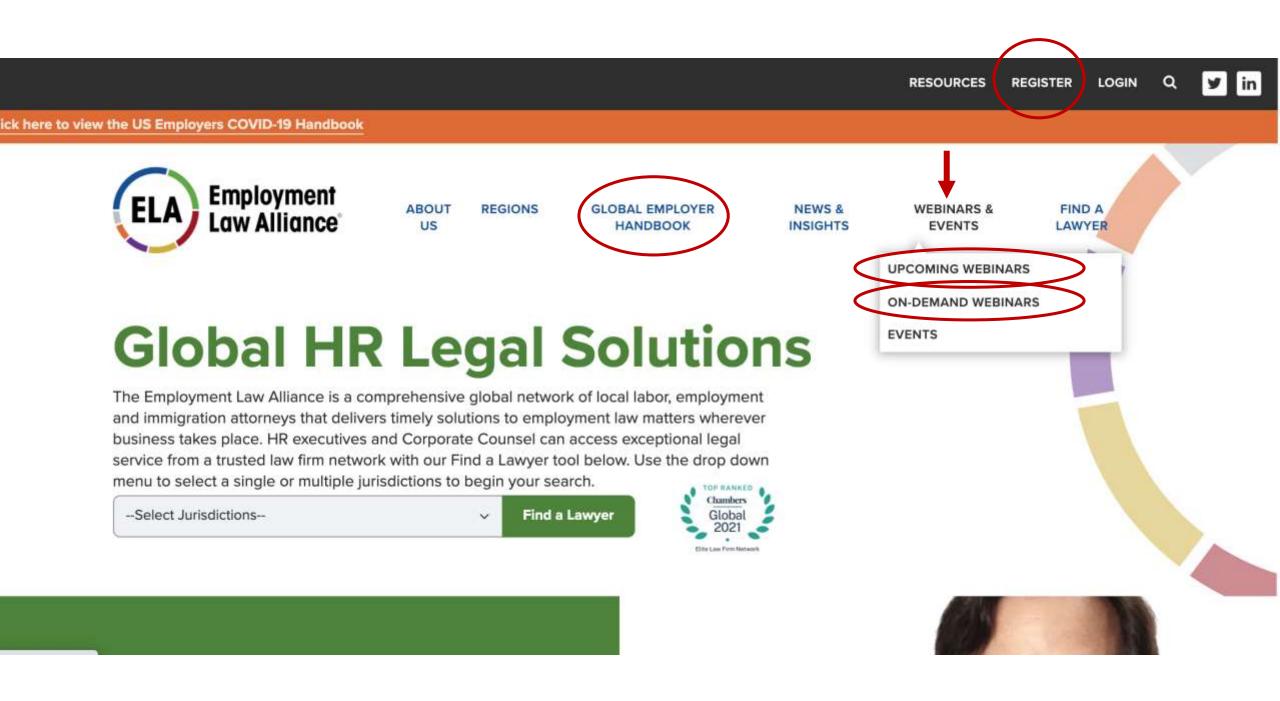
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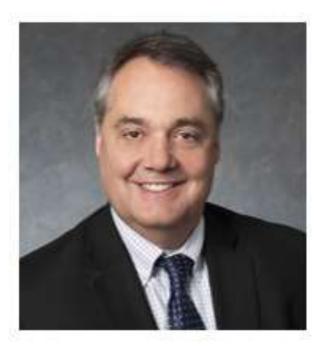


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Q&A

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Mary Anne Creighton

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Q&A

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### The ELA Presents



### Eyes Over Employees: Cross-Jurisdictional Data Privacy Implications of Employee Surveillance

Date: November 9, 2021 Time: 11:00 am Eastern Standard Time (4:00 pm GMT) Duration: 1 hour

Event Resources

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### Panelists

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# **Employee Surveillance - Overview**

- Monitoring employee activity is a growing issue
- **Powerful technology** permits monitoring of employees in new ways
  - Tracking their location and closely monitoring their activities on and off the job
- **Remote work** due to due to covid, in a trend that looks to continue
  - Employees working over their home networks, using their own devices to access company networks. How to track their activities?
- Companies may be **national and international**
- This is a **highly regulated** area and in some cases can involve criminal penalties for violations
- What are the **laws and best practices** for monitoring these employee activities?
- We will examine these issues using a hypothetical company.....



# Employee Surveillance - Scenario

- **TechHype** US based multinational company that provides website design and development services.
  - Headquarters is in the US. Offshore offices are in Netherlands, Brazil and India.
- TechHype is considering **remotely monitoring** its employees who are working in onshore and offshore offices as well as at home.
  - Enhance workplace security and monitor employee productivity.
  - Learn about the personal lives of its employees which it could use for hiring, firing, promotion or compensation decisions or disputes.
- TechHype wishes to engage a US based technology service provider called *Workplace Cop, Inc.* 
  - Workplace Cop can monitor workplace and employees through monitoring of emails and phone records, monitoring electronic devices, tracking mobile location, CCTV cameras, audio recording, etc.
  - Records are sent to the US headquarters for monitoring.
- As the General Counsel of TechHype, I am meeting with data privacy counsel in the US, Brazil, Netherlands and India to discuss this strategy and any pitfalls we must be aware of.



# Employee Surveillance - Issues

- 1. Will TechHype run afoul of local data privacy laws if it collects employee data from:
  - a. Phone conversations (and high level overview of privacy in the region)
  - b. E-mail content
  - c. Content from business and personal devices (any difference?)
  - d. Video surveillance of workplace
- 2. What actions and precautions should TechHype take in order to collect and monitor such data?
  - a. Notice and/or consent requirements
  - b. Purpose of collection
  - c. Security of data collected, stored and transmitted
- 3. Are there any restrictions on transferring such data to TechHype's US headquarters?
- 4. Takeaways, by country



# Questions?







# Thank You!



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