

A top-down view of a meeting table with people using laptops and tablets, with a central text overlay. The table is dark blue with a grid pattern, and the surrounding area is a wooden floor. Several people's hands and arms are visible, interacting with various devices. A central white box contains the main title and subtitle.

EYES OVER ***** EMPLOYEES:

Cross-Jurisdictional Data Privacy Implications of Employee Surveillance



H O S T

Visit us on the web at ELA.LAW



TEDRICK A. HOUSH III

Partner



[Click here to view the US Employers COVID-19 Handbook](#)

[ABOUT US](#)[REGIONS](#)[GLOBAL EMPLOYER HANDBOOK](#)[NEWS & INSIGHTS](#)[WEBINARS & EVENTS](#)[FIND A LAWYER](#)[UPCOMING WEBINARS](#)[ON-DEMAND WEBINARS](#)[EVENTS](#)

Global HR Legal Solutions

The Employment Law Alliance is a comprehensive global network of local labor, employment and immigration attorneys that delivers timely solutions to employment law matters wherever business takes place. HR executives and Corporate Counsel can access exceptional legal service from a trusted law firm network with our Find a Lawyer tool below. Use the drop down menu to select a single or multiple jurisdictions to begin your search.

--Select Jurisdictions--



Find a Lawyer





HOST

Visit us on the web at ELA.LAW



TEDRICK A. HOUSH III

Partner





H O S T

Visit us on the web at ELALAW

Q&A

Welcome to Q&A

Questions you ask will show up here. Only host and panelists will be able to see all questions.

Type your question here...





HOST

Visit us on the web at ELALAW

Q&A

Welcome to Q&A

Questions you ask will show up here. Only host and panelists will be able to see all questions.

RALPH: What is the current legal position on marijuana in the workplace?

Send anonymously

Cancel Send





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

Presentation Slides & Certificate of Attendance



Resources provided by the speakers and their firms:



Panelists

M O D E R A T O R



David Rice
Partner
Miller Nash LLP
Seattle Washington



Kritika Bharadwaj
Partner-Elect
Day Pitney LLP
New York



Danny Vesters
Partner
Boontje Advocaten
Netherlands



Renato Canizares
Senior Partner
Demarest Advogados
Brazil

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!



DAVID RICE

Seattle, Washington
david.rice@millernash.com



KRITIKA BHARADWAJ

New York
kbharadwaj@daypitney.com



DANNY VESTERS

Netherlands
vesters@boontjeadvocaten.nl



RENATO CANIZARES

Brazil
rcanizares@demarest.com.br





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



Speakers

Moderator

Presenter



Employment Matters

Employment Law Alliance

An Employment Law podcast series for human resource executives and in-house counsel which features conversations with labor and employment lawyers with global expertise on key employment law topics and trends, immigration news and other important HR legal solutions for global and multinational companies.



Listen to the Employment Matters Podcast



Continuing Education Credit



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

Presentation Slides & Certificate of Attendance



Resources provided by the speakers and their firms:



Continuing Education Credit



This program is valid for **1.00** PDCs

Course Number: **21-J4373**

Visit www.SHRMcertification.org to submit PDCs

A **Certificate of Attendance** and supporting materials are available for download in the resources tab and will also be included in your follow-up materials sent via email. Attendees seeking continuing education credit should submit these materials directly to the appropriate organization.

To listen to any past ELA webinar, visit our OnDemand webpage:

[View OnDemand Library](#)

For More Information:

Please contact our webinars team:

webinars@ela.law



[@elaglobal](https://twitter.com/elaglobal)



[Employment Law Alliance](https://www.linkedin.com/company/employment-law-alliance)



**Employment
Law Alliance**

