

The Use of Covert Surveillance Cameras in the Workplace – Judged Unlawful

In *Lopez Ribalda & Ors v Spain*, the European Court of Human Rights (ECtHR) has found that covert surveillance at work breaches Article 8 of the European Convention on Human Rights.

A supermarket installed surveillance cameras to address suspected theft. Workers were only told about cameras that were visible to them, but not about cameras that had been sited covertly. Several employees were dismissed by evidence obtained through the use of the covert cameras. They alleged breach of Article 8 and data protection rights.

A Spanish court had held that the use of covert cameras had been justified, appropriate, necessary and proportionate. Furthermore, the Court held that no other equally effective means of protecting the employer's rights would have interfered less.

The ECtHR disagreed and held that Article 8 had been violated. Video surveillance in the workplace is a considerable intrusion into private life; it extends to personal appearance. It was judged that a fair balance between the parties' rights had not been struck.

To comply with data protection laws, employees must be explicitly, precisely and unambiguously informed of the existence of a personal data file, how data will be processed, the purpose for collection and the recipients of the data.

The case is distinguished from *Avtovic and Mirkovic v Montenegro and Kopke* where no breach of Article 8 was found due to the fact that the data was for a specific purpose, was confined, controlled and time-limited.

The Judgement of the European Court of Human Rights can be found at http://www.dirittoegiustizia.it/allega/PP_INTERN_18CeduVideosorveglianza_milizia_s.pdf