Subjects: Data Access
Occupation: Human Resources Department (HRD)
Data type: Private

Can I get the private telephone number of an employee?

Despite considerable efforts and help from his employees, a department head could not lay his hands on a litigation file, into which he wanted to place a photocopy of the case law.
The employee in charge of the case, who has no supervisory responsibilities or decision-making skills, was on vacation.
The head of department asked the Human Resources Department (HRD) to give him the private telephone number of the employee, which was in his personnel file.
The HRD refused because they did not have the employees consent.
Personal details may be communicated only with prior consent of the data subject or, failing this for imperative reasons or a serious motive on behalf of department.

Recommendations
Work procedures should be developed in such a way so as to allow the continuation of the activity in the absence of an employee.

Basic principles
Cst. 13 al. 1 ; CP 143, 179novies and 321ter ; CO 328 and 328b

The right to respect privacy including correspondence, worker protection, transparency of data collection (recognisable purpose and to be used for this purpose only), confidentiality (data security).

Resources