Subjects: Geolocation
Occupation: Employee
Data type: Localisation

Who has the right to know where I am?

An employee's main task is to make deliveries with a service vehicle.
The employer installed a GPS system in the service vehicle and then recovered the data from the system.
The employee realised that the employer could keep track and control his movements (breaks, etc.). He found this quite unfair.
The employee can ask the employer the reasons for the use of a GPS system. He must be informed by the employer before the implementation of the system.
The employer must justify his decision and explain what data will be collected in order to use such a system. He has no right to use the data for any other reasons. We can monitor the service provided by the worker; however it is illegal to monitor his behaviour.

Recommendations
The objective must be clear, and the most adequate and less intrusive means to achieve this must be chosen. This measure must be the subjected to adequate communication.

Basic principles
LIPAD 38 and 42 ; LPD 4; 12, 13, 14 and 17 ; LTr 6 ; OLT3 26 ; CO 328 and 328b

The legality principles, good faith and proportionality (suitability, the necessity for these measures and the least intrusive); The principle of transparency of the data collection: the purpose of the collection must be recognizable; protection of workers

Resources
ATF 130 II 425