Subjects: Data Access
Occupation: Employee
Data type: Private

Can my employer use my private telephone number?

An employee who has no supervisory responsibilities or decision-making skills, is absent for a long time and did not take any steps to make his professional messages available.
His manager wants to access his email.
The head of department asked the Human Resources Department (HRD) to show him the personnel file in order to get the employee's private details or at least to forward them to him.
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 a serious motive on behalf of the department.

Recommendations
The work procedures must be developed in such a way as to allow the follow up of the activity during the absence of a co-worker.

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