Subjects: Use of video surveillance
Occupation: Manager
Data type: Pictures

Can I film my employees?

An employer heard about the benefits of video surveillance to prevent intrusions into his business premises.
He decided to install a video surveillance system all over the premises (main entrance, staff offices, meeting rooms, rest rooms, etc...)
This information circulates amongst the employees, and many of them approach the employer to show their disagreement with this practice: they feel constantly observed and monitored.
The management made more precise enquiries on the measures to be observed when installing and using such a system. They contacted the consultant for the protection of corporate data or the federal commissioner / cantonal.
The management redefined its concept of video surveillance and decided to install cameras only in critical areas (the main and secondary entrances of the building). They organized an information session for all the staff and reasonably justified the use of the video surveillance. We can monitor the services 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. These measures must be the subjected to adequate communication. The employer should inform and consult the employees or their representatives and, if possible, obtain their consent before introducing the automated systems for the collection and processing of their personal data.

Basic principles
LIPAD 38 and 42 ; LPD 4, 12, 13, 14, 17 and 18a ; LTr 6 ; OLT3 26 ; CO 328 and 328b

Principles of legality, 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 6B_536/2009