Subjects: Surveillance (extensive)
Occupation: Employee
Data type: Private, Professionals

What are the rights of my employer for the phone that he places at my disposition at work?

An employer provided his employees with service telephones. He gave no specific indication in this regard and they did not sign a user charter.
The employee immediately used this phone including his personal calls. He also cancellled his previous subscription and transfered all his private numbers.
When he received the phone, the employee noticed that a password was requested. In addition, he lost his mobile at the end of the first week. Worried about his numbers, he learned that his employer had installed a mobile management software that allowed it to erase all data in case of loss or theft, but also required the use of passwords or prevented the installation of certain applications. The employee was not satisfied with this situation because his employer could manage both business and private data contained in the service phone. He asked his employer to stop using this management software by invoking a breach of privacy.
The employee got his justice and his employer did not activate the software, so he did not to lose the data. He also found his mobile, which he just forget at a coffee shop. The employer reminded him that this phone was at his disposition for work only. He justified the use of this software management by explaining that he wanted to be be able to control the business data wherever and whatever it is.
Aware that he had lacked clarity, the employer made his employees sign a charter. By signing this, they agreed that the employer had access to the professional data and secured their data access.
They used the telephone for private purposes knowingly. Some of them used the help of a computer service to avoid their professional and private data being mixed on their phones. Others decided to buy another phone for their own use.

Recommendations
Guidelines should be developed for the use of mobile phones provided for professional use. In the absence of clear rules, the employer may not destroy the phone data, including personal data.

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

Legality, data security, the right to respect privacy including correspondence, worker protection.

Resources