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

Can I be forced to communicate my Facebook password?

An employee has a personal account on Facebook, where a number of humorous photos have been published, with the consent of their author.
His employer discovers these photos, where he noticed an acquaintance. Interested in learning more, the employer calls the person and demands access to their online account. The employee refused. Faced with these repeated refusals during a subsequent interview, the employer fires the employee. The employee was not happy with the dismissal, and took his employer to court. He believed that he had not committed any fault by refusing access to his personal account, unrelated to his professional activities.
To demand a Facebook password is unjustified and disproportionate. The employer understood this and, through conciliation, agreed to revert the dismissal, and the employee agreed to remove the photos which the employer considered gave a bad image to the company.

Recommendations
The employer has no right to the personal data of his employees which are not directly related to their professional activity. If he considers that a photo of an employee/s published in the private photos on a Facebook account may damage the image of the company, he may request the removal of the photo, but not the right to directly access the account of the employee.

Basic principles
LPD 4, 7, 13 ; DPA 4, 7, 13

Principle of legality, proportionality, confidentiality

Resources
Article of 20 minutes. ch April 4, 2012 "fired for undisclosed password"

http://www.20min.ch/ro/multimedia/stories/story/18699817