

CNIL Levies Four Fines in France for Improper Employee Monitoring

FEBRUARY 3, 2014

Recently, the French data protection agency (CNIL) announced that it had fined four companies a total of €33,000 (\$44,927) for failing to comply with formal injunctions in order to adapt their employee monitoring systems so that they would comply with French privacy laws, and more specifically the January 6, 1978 law. The decisions stemmed from employee complaints received by CNIL in 2011, regarding AOCT, Nouvelle Communication Téléphonique, ASC Group and Abert Protection Incendies' systems for video surveillance, vehicle geo-location and biometric access. The first fine in the amount of €10,000 (\$13,579), against AOCT, was brought when AOCT failed to respond to CNIL's formal injunctions, and maintained a video-monitoring system which used to continually monitor employee toilets, work areas, and dressing areas. The second fine, which was related to the AOCT fine, and amounted to €10,000 (\$13,597), was brought when Nouvelle Communication Téléphonique failed to respond to CNIL's formal injunctions, which concerned the company's video-monitoring system and biometric access control system installed in SFR stores. The third fine, in the amount of €10,000 (\$13,597), was brought when ASC Group failed to respond to CNIL's formal injunctions, which concerned the company's undeclared video-monitoring system. CNIL found, among other things, that the signs placed at the entry of the premises and on the employee rules poster, was an inadequate notice to employees that the video-monitoring system was present and functioning. The fourth fine, in the amount of \$3,000 (\$4,076), against Abert Protection Incendie, was brought when the company failed to respond to CNIL's formal injunctions regarding the company's vehicle geo-location system, which employees argued was used to monitor working hours and driving speeds (in addition to a car's location, the purpose for which the system was intended), and could not be turned-off during off-work hours.

Tip: These fines are reminders to take warnings from CNIL seriously, and to make sure that employees are aware of monitoring systems, that they are used for their intended purposes, and that the systems do not monitor during off-work hours or in private areas.

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