

LABOUR AND DATA PROTECTION

Convention 108 extra

Barbulescu v. Romania (2017)

- Judgement of the IV Section of the Court (6/1)

Employers may be merry

- Judgement of the Grand Chamber (11/6)


Back to support subjective expectation of privacy

- Fun fact:

No involvement of national DPA



Int'l law applied by the ECtHR

- International Labour Office (ILO) – Code of Practice on the Protection of Workers' Personal Data, 1997
 - Directive 95/46/EC of the European Parliament and of the Council of the European Union of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data
 - Recommendation CM/Rec(2015)5 of the Committee of Ministers to member States on the processing of personal data in the context of employment, which was adopted on 1 April 2015
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Currently existing int'l regulation

- UN ILO

- EU

GDPR

EDPB

- **CoE**

European Convention


Convention 108 / 108+

Reccomendation CM/Rec(2015)5



Interrelationship

How similar are the data protection law and individual labour law?

- Personal right
 - Core Value
 - Applicable in private relationship
 - Horizontal effect of human rights norms
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Recommendation CM/Rec(2015)5

Substance:

1. General principles
2. Particular forms of processing

Standard setting document for the Council of Europe member States

Standard setting beyond CoE through Convention 108 Parties

Thank you for your attention!

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