



ILO publishes revised code on workers' privacy

The International Labour Office in Geneva in June published its Code of Practice on the Protection of Workers' Personal Data.

The Code, which can be used in the development of legislation, regulation, collective agreements, work rules, policies and practical measures affecting collection, storage, dissemination and monitoring of workers' data, has been substantially altered from the previous version.

The Meeting of Experts from more than 20 countries recognised that a number of national laws and international standards have established binding procedures for the processing of personal data.

General Principles

The general principles state that:

- personal data should be used lawfully and fairly, and only for reasons directly relevant to the employment of the worker.
- in principle, personal data should be used only for the purposes for which they were originally collected.
- data collected in connection with technical or organisational measures should not be used to control the behaviour of workers.
- decisions concerning a worker should not be based solely on the automated processing of that workers' personal data.

The Code calls upon employers, workers and their representatives to cooperate in protecting personal data and in developing policies on workers' privacy consistent with its principles.

Workplace privacy - rights and duties

The Code states that:

- all persons.....who have access to personal data should be *bound to a rule of confidentiality* in their handling of the data.
- workers may not *waive* their privacy rights.

- employers should not *collect* personal data concerning a worker's sex life, political, religious or other beliefs or criminal convictions, unless the data is directly relevant to an employment decision and in conformity with national legislation.
- *polygraphs*, truth-verification equipment or any other similar testing procedure should not be used.
- *genetic screening* should be prohibited or limited to cases explicitly authorised by national legislation.
- employers should ensure that personal data is protected by such *security safeguards* as are reasonable in the circumstances to guard against loss and unauthorised use, modification or disclosure.
- personal data covered by *medical confidentiality* should be stored only by personnel bound by rules on medical secrecy and should be maintained apart from all other personal data.
- personal data should not be communicated to *third parties* without the worker's express written consent, unless the communication is necessary to prevent threats to life or health, required by law, necessary for the conduct of the employment relationship or required for the enforcement of criminal law.
- workers should have the right to be regularly *notified* of the personal data held about them and the processing of that data, and they should have *access* to all of their personal data.

The International Labour Office was founded in 1919 and has 174 member States. *The Code of Practice on the Protection of Workers' Personal Data* was published in June 1997. ISBN 92 -2 - 110329 - 3 52pp. price £8.10. and is currently available from the International Labour Office, Vincent House, Vincent Square, London, SW1P 2NB Tel: 0171 828 6401 Fax: 0171 233 5925