

Following the examination of the complaint, the Lithuanian SA adopted a decision on the processing of employees' personal data (processing of employee's personal correspondence)

Background information

Date of decision: 7 October 2022

The national case

Controller: Legal entity (private sector)

Legal references: *The principle of accountability (Article 5(2) of the GDPR), conditions for legal processing of personal data (Article 6(1) of the GDPR)*

Summary of the Decision

Origin of the case

The Inspectorate examined a complaint in which the applicant stated that she had been unlawfully dismissed by the director of the Company for which the applicant worked, by using the applicant's personal correspondence with another employee of the Company on the Facebook social network (hereinafter - the social network) as a ground for dismissal.

Key Findings

An employee, by leaving his or her social accounts open and password-unprotected on the work computer, does not lose privacy in the workplace. The privacy of the employee at the workplace may be restricted by appropriate monitoring and control measures used by the employer at the workplace, however, the use of such measures must comply with the requirements of the GDPR.

In the light of the principle of accountability applicable to it (Article 5(2) of the GDPR), the Company, as a data controller, did not justify the condition of the legal personal data processing in accordance with which the applicant's personal data were processed (her personal correspondence on the social network with another employee of the Company).

Decision

The Inspectorate recognised the complaint as well-founded and decided that the Company handled the personal correspondence of the applicant on the social network (reviewed and used to initiate disciplinary proceedings) in the absence of any of the conditions for legal processing of personal data stipulated in Article 6(1) of the GDPR.

For further information:

[https://vdai.lrv.lt/uploads/vdai/documents/files/Sprendimas%20darbuotojo%20asmens%20duomenu%20tvarkymas%202022-10-07\(1\).pdf](https://vdai.lrv.lt/uploads/vdai/documents/files/Sprendimas%20darbuotojo%20asmens%20duomenu%20tvarkymas%202022-10-07(1).pdf)