

TEEU – Guidelines for Members on the use of GPS Vehicle Tracking/ Monitoring Devices and Systems



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BACKGROUND

Monitoring or tracking, including in-vehicle monitoring, must comply with the transparency requirements of the Data Protection Acts.

The use of vehicle tracking systems involves the collection of personal data as they record the location of the individual in charge of a vehicle at any particular time.

A company using or considering using such a tracking system must be able to demonstrate that there is a good business reason for such surveillance.



WHAT ARE YOU ENTITLED TO KNOW?

Staff must be informed of the existence of the surveillance, and also clearly informed of the purpose(s) for which the personal information processed by the tracking device will be used.

COMPANY VEHICLES USED ONLY ON COMPANY TIME

There is no requirement to fit a privacy switch if the company's vehicle is used exclusively for work related purposes, where no personal use of the vehicle is permitted.

COMPANY VEHICLES USED OUTSIDE OF COMPANY TIME

If personal (non-work-related) use of a vehicle is permitted, it should be possible to disable or mask the tracking system outside of working hours.

PRIVATELY OWNED VEHICLE

If a privately owned vehicle is used for work purposes a privacy switch must be fitted.

The company must show drivers how to use the switches and the company is responsible for ensuring that drivers are given training on the operation of a privacy switch.

USE OF INFORMATION

The personal information processed by the tracking device may not be used for a purpose other than the stated purpose(s).

DRIVER POLICY

Companies should devise and make available to drivers a policy for the use of tracking devices. This document should also set out the company's policy on the use of company vehicles for private use.



Members on the use of Monitoring Devices and Systems

NEW EMPLOYEE INFORMATION

New employees should be made aware of the existence of tracking devices in company vehicles and should be trained on the operation of the privacy switch.

REASONABLE EXPECTATION OF PRIVACY

In principle, there is nothing to stop an employer specifying that use of equipment is prohibited for personal purposes, but the likelihood is that most employers will allow a limited amount of personal use. In the absence of a clear policy, employees may assume to have a reasonable expectation of privacy in the workplace.

LIMITED USE OF MONITORING SYSTEMS

If a company prohibits the private use of the vehicle and claims that it's trying to proactively identify those that might be contravening company policy by using their van privately, the advice is that if this purpose is not highlighted to staff as a potential use of the monitoring system, then it could not be subsequently used for this purpose.

PROHIBITION ON STAFF MONITORING

Vehicle tracking devices are not staff tracking devices. Their key function is to track or monitor the location of the vehicles in which they are installed. Companies should not regard them as devices to track or monitor the behaviour or the whereabouts of drivers or other staff.



PRIVACY OF INDIVIDUALS

The legitimate interest of the employer to process personal data that is necessary for the normal development of the employment relationship and the business operation justifies certain limitations to the privacy of individuals at the workplace. However, these interests cannot take precedence over the principles of data protection, including the requirement for transparency, fair and lawful processing of data, and the need to ensure that any encroachment on an employee's privacy is fair and proportionate. A worker can always object to processing on the grounds that it is causing or likely to cause substantial damage or distress to an individual.



HOW TO MAKE A COMPLAINT

Complaints should be made to the Data Protection Office. The Office will investigate the matter to allow for a fuller consideration of the data protection considerations.

THE ABOVE IS IN LINE WITH ADVICE GIVEN BY THE DATA PROTECTION COMMISSIONER

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