

Privacy and You

Source: Office for Personal Data Protection

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The Processing of Sensitive Data

“I’m always feeling sick these days,” Peter said.

“You’d better get a check up before it gets serious,” replied May. “Go to the doctor if you’re feeling bad.”

“I know. But my company requires a medical certificate on top of a sick note for each clinic visit,” Peter explained. “I’m worried that a lot of people will see my documents as they travel up the management.”

“You’ve got the point. Why don’t you consult the Office for Personal Data Protection for legal advice?” said May.

“Exactly! Why haven’t I thought of that? I will call them right now.”

Peter called the Office for Personal Data Protection (GPDP) to ask his questions. A staff member of GPDP explained that for management purpose and verification of an employee’s condition, a company can ask for a sick note from an employee in order to know the cause of illness. According to Article 7 of the Personal Data Protection Act, a document disclosing an employee’s medical condition is considered sensitive data; its processing should comply with the processing principles laid out in Article 5 of the said Law (including the principle of proportionality). Moreover, such information must be processed with legitimacy and security measures of higher standard than those of ordinary information. Therefore, when collecting data from its employees a company shall have sufficient grounds that the processing, for reasonable causes, is necessary. Otherwise, such data processing is susceptible to the violations of the principle of proportionality, and may lead to considerable employee opposition. On the other hand, staff members who may come across personal data in the course of their duties are obliged to maintain the confidentiality of such data.

Considering the trust between employers and employees, it is suggested that a company, for better mutual understanding and trust, should communicate clearly to its staff while setting up policies and should explain its policy aims.

(The present case is based on real cases or social situation. For enquiries about the protection of personal data, please call the Office for Personal Data Protection on 2871- 6006.)