



I. Lagutina,

Candidate of Law Sciences,
Associate Professor at the Department of Labour Law and Social Security Law,
National University "Odessa Law Academy"

**THE RIGHT TO PROTECTION
OF EMPLOYEE'S PERSONAL DATA**

Protection of employee's personal information should enjoy great importance in the exercise of rights and obligations the employer has as a stronger party in employment relationships.

The protection of personal data as fundamental right studied such Ukrainian scientists as V. M. Brizhko, V.A. Luzhetsky, A.V. Pazyuk, A.M. Chernobay, G.I. Chanysheva, R.I. Chanyshv and Russian scientists: S.S. Bogatirenko, A.S. Dolgov, A.M. Lushnikov, N.L. Liutov A.S. Markevich, A.B. Prosvetov, V.I. Sedov, E.A. Stepanov, L.V. Tikhomirov, and also foreign scientists such as W. Berka, C. Grabenwarter, S. Gutwirth, D. Harris, P. De Hert, Y. Pouillet, M. Tinnfeld.

The purpose of this article is to analyze approaches to the definition of personal data, the legal regulation of personal data protection. Personal data is defined as any information related to an identified or identifiable employee. An employee is identifiable if by putting together different data contained in one or more files or documents the employee's identity can be determined.

Data protection refers to limits on the processing and use of personal data. This includes data about employees, such as personal health records, and data created

or used by employees in emails or internet use.

The purpose of data protection is to protect individuals from the consequences of any form of processing of personal data, particularly computer processing, and thereby to safeguard the right to self-determination over personal data.

In labour law, the employer may lawfully store personal data about employees provided that it is necessary in order to achieve the purpose of the employment relationship. This is generally the case as regards data on the employee's age, training and performance.

International and European institutions are also paying increasing attention to the relationship between information and communication technologies (ICT) and privacy at work, with a number of recommendations and codes drawn up by bodies such as the Council of Europe and the International Labour Organisation – for example, in 1996, the ILO issued a code of practice on the protection of employees' personal data, covering general principles of protection of such data and specific provisions regarding their collection, security, storage, use and communication. There have also been relevant recent cases in the European Court of Human Rights.

