Introductory remarks: The protection of personal data has become increasingly important in pace with the development of information technology. Several international documents have been adopted to regulate this area. The use of cameras at working places is often associated with the idea of big brother. Cameras allow to record and provide information, which may be very accurate. The purpose of this Questionnaire is to provide an overview on how camera surveillance (video recording) is treated in the legal systems of the participant countries.

1. Are there explicit legal provisions concerning camera surveillance especially at working places? Are there collective agreements defining the circumstances and conditions for the introduction and use of camera surveillance?

There are no legal provisions addressing this subject. However, some announcements issued by the Ministry of Health, Labor and Welfare and the Ministry of Economy, Trade and Industry with regard to the protection of personal information refer to camera surveillance. We have no information on collective agreements.

2. Is it obligatory for the employer to define the purpose of the use of camera surveillance? Is this bound to certain purposes (for instance security and safety, the protection of the property of the enterprise, the control of production process, the control of the performance of the worker…). Is it allowed to use camera surveillance for the surveillance of a certain employee or certain employees at the workplace? Is camera surveillance allowed in toilets, dressing rooms or staff rooms?

The aforementioned ministerial announcements encourage the employer, as something to remember before using camera surveillance, to define the purpose of such use of camera and to explicitly inform the employees of the use.

3. To whom are the sequences available.

There is no explicit legal provision.

4. How long are they stored.

There is no explicit legal provision.

5. Is there an obligation to inform employees if camera surveillance is installed? Do the use of camera surveillance require the consent of the employees?

The aforementioned announcements recommend and regard it desirable to keep all employees and workers informed of the matter, if, before using camera surveillance, any important matter is decided concerning the treatment of personal information related to employment management.

6. Is there an obligation to inform the works council or trade unions about the introduction and the use of camera surveillance? Is there an obligation to have an agreement with the works
council or trade unions defining the circumstances and conditions for the introduction and use of camera surveillance.

The aforementioned announcements recommend and regard it desirable to inform in advance the labor union, etc., of the matter and hold discussions as necessary, if, before using camera surveillance, any important matter is decided with regard to the treatment of personal information related to employment management.

7. Has the employer (controller, who uses electronic technology to process personal data) the duty to notify the processing to the Data Protection Authority or another authority? Do employers need a permit from the Authority before he can set up the camera? What are the conditions for the Permission for camera surveillance? Has the Data Protection Authority the authority to impose changes in order to make the processing or the surveillance satisfy the requirements of the law?

There is no explicit legal provision.

8. What are the consequences of a failure to comply with the rules on camera surveillance (for instance punishment; liability to pay damages; works council or trade unions or worker can demand the control measures to be stopped and the prior situation to be restored….)?

Should any law concerning privacy protection be breached, a recommendation or order may be given. A penalty may be imposed on any person who does not comply with such an order.