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?

No, according to Polish law there is not any legal provisions concerning camera surveillance at working places. There is not also any collective agreements defining the circumstances and conditions for the introduction and use of camera surveillance.

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 employer does not have to define the purpose of the use of camera surveillance. Installing camera surveillance in private rooms or toilet is not forbidden nor it is allowed. Polish law lack any legal procedure but it may be a infringement of personal rights

3. To whom are the sequences available.

See answer 1

4. How long are they stored.

See answer 1

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?

There is no obligation to inform anybody about installing camera surveillance.

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.

See answer 5
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?

*No notification is needed.*

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....) ?

*In case of undercover surveillance, it could be seen as illegal pursuit. In case of collecting personal data among other information, it could be seen as infringement of privacy rights.*