SOCIETAS ET IURISPRUDENTIA
2016, ročník IV., číslo 2, s. 23-37
http://sei.iuridica.truni.sk
ISSN 1339-5467

New Technologies in the Field of Labour Law and Protection of Employees[1]

Helena Barancová

Abstract: *New technologies significantly influence the further development of labour law. Their application in practice provides not only the positive effects but also new social and legal risks. Specifically, the application of the latest technology often leads to unjustified interference with employee's rights to privacy. Therefore, in the foreseeable future there will be needed, more than ever, to ensure social and legal protection of employees. Forms of an unjustified interference with the employee's privacy by the employer are various. It is particularly monitoring of employees using video cameras, e-mail monitoring, and telephone tapping. More recently, there disseminate new forms of the employer's infringement in the sphere of the employee's private life, e.g. through the method of mystery shopping. It is a form of verification of the adequacy of the employee's communication with clients. This type of monitoring is realized by various agencies which offer such paid services to employers. New technologies affect also the existing legal model of motherhood and parenthood, as the surrogacy motherhood but also in vitro fertilization are more and more popular. In the main part of the study the author deals with the possibilities of legally correct interference with the right to private life of an employee while respecting the principles of legality, legitimacy, and proportionality.*

Key Words: *Basic Human Rights; Protection of the Employee's Privacy; the Employee's Right to Private Life; the Employee's Workplace; Decision-making Activities of the European Court of Human Rights; Monitoring of Employees; Video Cameras; E-mail Monitoring, Mystery Shopping; New Social Risks in the Workplace; Legitimacy of Interference with the Right to Private Life; Principle of Legality, Legitimacy, and Proportionality; the Slovak Republic.*

[1] The presented scientific study was carried out within the Project of the Slovak Research and Development Agency: *"New Technologies in Labour Law and Protection of the Employee"*, in the Slovak original *"Nové technológie v pracovnom práve a ochrana zamestnanca"*, project No. APVV-15-0066, responsible researcher prof. JUDr. Helena Barancová, DrSc.

SOCIETAS ET IURISPRUDENTIA
2016, ročník IV., číslo 2, s. 23-37
http://sei.iuridica.truni.sk
ISSN 1339-5467

Introduction

The development of new technologies and their general impact on all areas of social life have been so dynamic that their consequences affect not only further technological development but also the further development of the social sciences, including law. The massive development of new technologies at the beginning of the Third Millennium has a significant impact on competitiveness of different businesses at national and international levels, and it also creates new social risks, particularly in relation to the employees.

On the threshold of the Third Millennium new technologies are also crucial to the legal system of a state. Application of new technologies in practice not always results in positive effects. Their application brings many social and legal risks for legal practice. As a consequence there is often, for example, an infringement of the right to private life of employees and this sometimes has a negative effect on the integrity of the employee's personality.

The hitherto development has shown quite clearly that the "unsuspected" boom of new technologies that only a decade ago was almost unimaginable can in terms of its social and legal implications mean a conflict with the fundamental human rights but also with the elementary ethical principles. In particular, the Member States of the European Union are in the area of the human rights legally bound not only by the international law but also by the law of the Council of Europe, in particular by the Convention for the Protection of Human Rights and Fundamental Freedoms, and by the Charter of Fundamental Rights of the European Union.

In the labour process the new technologies create, in addition to the standard employment, also new ways of work organization and new forms of occupational integration of employees. In recent years, as shown by the current decision-making activities of the European Court of Justice and the European Court of Human Rights, the impact of new technologies is also reflected in the existing social and legal protection of motherhood and parenting. All these facts are crucial for the further development of labour law in the Slovak Republic. They predetermine, inter alia, the future legislative developments in social and legal protection of employees in labour law as well as the risks of such a protection. Impact of new technologies in areas such as medical teaching creates completely new legal situations which the current labour law cannot still address proper-

ly. These are particularly the possibility of in vitro fertilization as well as problems of surrogate mothers and the determination of a mother in cases when one woman bears and gives birth to a child and the other woman then postpartum takes this child into custody. The dynamics of development of new technologies in this area creates a natural pressure on the legal regulation and the previous model of the existing legal protection of motherhood and parenting must also logically change.

Impact of new technologies and protection of the employee's private life

Nowadays, the impact of new technologies is mostly visible in the field of protection of the employee's private life.

On the other hand, the employers and their constitutional right to property also find themselves in a difficult situation. Some of employees' unfair practices can seriously harm the employer. Therefore, the employer often applies preventive measures and only controls the proper use of his/her ownership of production and work equipment.

The mentioned collision between the fundamental human right to privacy and the right to property of the employer has been largely addressed by the European Court of Human Rights but also by the European Court of Justice in recent years. The case law of these European Courts is very important not only for the proper orientation of labour legislation in Slovakia but also as a guidance for the application practice which in recent times has often been confronted mainly with a misuse of important information of the employer in favour of other competing operators.

Recently, there have been quite common cases when employers monitor their employees throughout their working time to see not only the rate of utilization of working time or quality of work but also for the prevention of material damage to property of the employer, as the employer can verify the compliance with labour discipline as well as possible disclosure of confidential information to third parties. In this context, there arises a whole range of interpretative problems in relation to the eligibility of the employees' monitoring, as it can be interpreted as a form of interference with their private life. The question is whether the protection of private life and family life is sufficiently provided for in the area of employment relationships. These are very up-to-date and accurate questions and the labour law theory should try to answer them.

SOCIETAS ET IURISPRUDENTIA
2016, ročník IV., číslo 2, s. 23-37
http://sei.iuridica.truni.sk
ISSN 1339-5467

New technologies in the field of labour relations often interfere with the privacy of employees, for instance, the monitoring of employees via video cameras, monitoring of e-mails, telephone tapping,[2] and other forms of supervision.

On the other hand, it should be noted that the employer is in the position of the owner of the means of production. The employer, therefore, disposes of the constitutional right to property and strives to protect it against possible unfair practices performed potentially by his/her staff, which could cause this employer a competitive harm.

Mystery shopping: a new form of intervention in the employee's private life

In recent years, mystery shopping as a form of verification of the accuracy of employee's communication with customers when selling products and services has excessively and quickly spread. This is not only a single, random but also repetitive form of a control of the employees regarding their communication with customers. This form of "control" of employees which is not performed by the employers themselves means a profit for various agencies trading with information in relation to a wide range of employers. During this "mystery shopping", the agency employee also makes a hidden audio record. As already comes from its name, it is a hidden monitoring of employees which the employees themselves are unaware of, do not know about it, and have not expressed their consent with it. Carrying out mystery shopping, i.e. making sound records and audio records of monitored natural person, are governed by the Civil Code and also by the Law on Protection of Personal Data, according to which such recording can be realized only with the consent of the person concerned. Marketing and advertising agencies and other entities providing services in the form of the so-called mystery shopping perform and evaluate the progress of mystery shopping of a particular employee and subsequently summarize their findings and offer them for a financial reward to their customers (especially to employers of the monitored employees) and, therefore, it is undoubtedly processing of personal data of natural persons under the Law on Protection of Personal Data and such processing must be, therefore, governed by the Law on Protection of Personal Data.

[2] In relation to control of e-mails and Internet usage at work see *Report from the Commission: First Report on the Implementation of the Data Protection Directive (95/46/EC)* [2003-05-15]. COM (2003) 265 final.

Processing of personal data in the form of mystery shopping as well as other processing of personal data is subject to the consent of the natural person concerned. The above-mentioned cases are not situations that could be considered as relevant titles for data processing without the consent of the individual concerned (for example, if this is necessary to protect the rights and legitimate interests of the administrator, recipient, or other person concerned). This particular legal situation would correspond to the principles of legitimacy and proportionality under the Law on Protection of Personal Data. However, a fictitious shopping "at the expense of the checked individuals and without their consent" would not pass the proportionality test, especially because the employer is entitled to perform the control of the quality of their staff in the stores or other distribution networks also by less invasive methods of control which do not infringe the employee's human right to a private life and its protection. The employer may conduct monitoring of employees via surveys of customer satisfaction through anonymous questionnaires, personal supervision by the mandated staff, or based on the development of the sales growth, etc. Therefore, processing of personal data of the employee via the method of mystery shopping does not seem at all as inevitable from the above-mentioned point of view. There is not yet a sufficient legal basis in the Labour Code for this control method of employees. The employment relationship is a bilateral obligation relationship of an employer and an employee and, therefore, only the employer is entitled to inspect the employee's work performance and not a foreign entity operating in the external environment outside the employer. If the purpose of the processed personal data which is to verify the quality of the sales network is determined by the customer of the entity offering certain services through mystery shopping, i.e. the employer of the monitored personnel, this employer is in the legal position of administrator of personal data under the Law on Protection of Personal Data and the entity providing the service of mystery shopping is in the legal position of processor of personal data under the Law on Protection of Personal Data. As, according to the Law on Protection of Personal Data, the administrator's duties also apply to the responsibilities of the processor of personal data, only the mere production of audio record and other use of the information it contains is the processing of personal data and, therefore, it is considered as the violation of the Law on Protection of Personal Data, while it does not matter whether the following audio record made by this entity will be used only for the customer's (employer's) purposes.

SOCIETAS ET IURISPRUDENTIA
2016, ročník IV., číslo 2, s. 23-37
http://sei.iuridica.truni.sk
ISSN 1339-5467

There is necessary to comply also with other provisions of the Law on Protection of Personal Data while processing of personal data in the form of mystery shopping. This is particularly the obligation not to keep collected data for longer than it is necessary to fulfil the intended purpose. The most adverse employment consequences following the mystery shopping can even affect the employee existentially. This is, for example, the situation when the employer has ordered such information with relevant agency and subsequently evaluates it so that the monitored employee is dismissed from work or that information obtained from such fictitious shopping served to the employer as a means of bullying and other forms of mobbing or harassment of an employee.

E-mail monitoring[3]

The protection of personal data is enshrined in the Article 8 of the Charter of Fundamental Rights, under which every person has the right to protection of personal data. These data may be disseminated only with the consent of the person concerned and it should be done in good faith with the legitimate aim and on the statutory basis. The protection of personal data is also enshrined by the Article 38 of the Slovak Constitution. The current European Court of Justice case law also addresses this issue.[4]

Before the adoption of the Lisbon Treaty which in its Article 6 adopted the contents of the Charter of Fundamental Rights as its content part, the right to protection of personal data was in the European Union law protected only by secondary legislation; on the other hand, the European Convention has included protection of personal data in its Article 8. In the secondary law of the European Union the protection of personal data

[3] In relation to control of e-mails and Internet usage at work see *Report from the Commission: First Report on the Implementation of the Data Protection Directive (95/46/EC)* [2003-05-15]. COM (2003) 265 final.

[4] *Case of Erich Stauder v. City of Ulm – Sozialamt* [1969-11-12]. Judgement of the Court of Justice of the European Union, 1969, C-29/69; *Case of National Panasonic (UK) Limited v. Commission of the European Communities* [1980-06-26]. Judgement of the Court of Justice of the European Union, 1980, C-136/79; *Case of Hoechst AG v. Commission of the European Communities* [1989-09-21]. Judgement of the Court of Justice of the European Union, 1989, C-46/87 and C-227/88; *Case of X v. Commission of the European Communities* [1994-10-05]. Judgement of the Court of Justice of the European Union, 1994, C-404/92; *Case of Rechnungshof v. Österreichischer Rundfunk and Others; and Christa Neukomm; and Joseph Lauermann v. Österreichischer Rundfunk* [2003-05-20]. Judgement of the Court of Justice of the European Union, 2003, C-465/00, C-138/01, and C-139/01; and *Case of Bodil Lindqvist* [2003-11-06]. Judgement of the Court of Justice of the European Union, 2003, C-101/01.

is enshrined by the Directive 95/46/EC on the Protection of Individuals with Regard to the Processing of Personal Data as well as by the Directive 2002/58/EC Concerning the Processing of Personal Data and the Protection of Privacy in the Telecommunications Sector, amending the Council Directive 95/46/EC on the Special Processing and Dissemination of Personal Data and the Protection of Privacy in the Telecommunications Sector.

The object of protection is the private sphere of individuals with regard to the processing of personal data and this protection belongs to the general personality rights. Directive 2002/58/EC extends this protection also to legal persons (it uses the term "parties", not the concept of a natural person).

These are all data that individually or in their entirety can identify physical, psychological, economic, cultural, and social identity of the authorized person.[5] These include video monitoring in the employer's workplace as well as telephone tapping.

Such interference with the private lives of employees necessarily requires the consent of an authorized person. Directive does not exclude the possibility of a tacit consent, although the mere silence is not considered as approval of an authorized person by the current case law.

Protection of personal data contained in e-mails belongs to the protection of the Article 8 of the European Convention and the Articles 7 and 8 of the Charter. The European Court of Human Rights ruled that the protection of the Article 8 of the European Convention shall also apply to letters that have been received by the addressee, irrespective of whether they are private or business correspondence.[6]

In the legal case Golder 1975 the European Court of Human Rights in paragraph 43 explicitly states that "To impede another person to communicate already in initiating correspondence represents the most serious form of interference (Article 8 paragraph 2 of the Convention) with the exercise of the right to protection of correspondence."

Confidentiality of personal data is guaranteed also by the Directive 1995/46/EC and the Directive 2002/58/EC. The Directive 95/46/EC on

[5] *Case of Bodil Lindqvist* [2003-11-06]. Judgement of the Court of Justice of the European Union, 2003, C-101/01.

[6] *Case of Niemietz v. Germany* [1992-12-16]. Judgement of the European Court of Human Rights, 1992, Application No. 13710/88.

SOCIETAS ET IURISPRUDENTIA
2016, ročník IV., číslo 2, s. 23-37
http://sei.iuridica.truni.sk
ISSN 1339-5467

the Protection of Individuals with Regard to the Processing of Personal Data refers to privacy, as protected by the Article 8 of the European Convention. The administrator of personal data contained in e-mail messages is considered to be the person from whom the mail comes and e-mail service provider will normally be considered as an administrator as regards the processing of additional data needed for running services.[7]

According to the Article 5 of the Directive 2002/58/EC, the Member States are required to legislatively ensure confidentiality of communications and related traffic data transferred by means of a public communications network and publicly available electronic communications services. They are obliged in particular to prohibit listening, tapping, storage, or other kinds of privacy infringement or surveillance of communications and the related traffic data by persons other than users without the consent of the users concerned, unless it is already regulated by law. The Member States may not impose a general obligation of monitoring, not in order to guarantee the security of a publicly available electronic communications service when the provider must take appropriate technical and organizational measures necessary for the security, as this monitoring would constitute not only interference with the freedom of information but also interference with the right to protect the confidentiality of correspondence (Article 15 of the Directive on Electronic Commerce).

In January 2016, the European Court of Human Rights issued one major decision regarding the eligibility of e-mail communication monitoring performed by the employer to an employee. In the legal matter Bärbulescu, Ref. No. 61496/08, the Court upheld the entitlement of the employer to the monitoring of the employee's e-mail correspondence as eligible.

According to the facts of the legal status, the employer asked Mr. Bärbulescu to set up a corporate account on the instant messaging service – Yahoo Messenger to respond to questions and requests of clients. Shortly after the employer pointed out that the employee uses Messenger also for private purposes, despite the ban on use of company resources for personal purposes. Despite this, Mr. Bärbulescu said that he uses the

[7] See the justification No. 47 of the *Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the Protection of Individuals with Regard to the Processing of Personal Data and on the Free Movement of such Data*. OJ EC L 281, 1995-11-23, p. 36.

Internet only for work and then the employer submitted 45 pages of transcripts of his communication in Yahoo Messenger which also contained private correspondence with his brother and fiancée on personal matters, such as health and sex life. However, the transcripts also included messages that the employee exchanged with his fiancée via his private account on Yahoo Messenger. Subsequently, the employer terminated the employment relationship with him, but the employee did not agree with the notice reason on the ground that the termination of employment was based on the violation of privacy which is guaranteed by the Article 8 of the European Convention on Human Rights and Fundamental Freedoms. The Romanian courts have confirmed the validity of termination of employment and the employee failed to pass the proposal. According to the European Court of Human Rights, the employer's conduct was in this case reasonable and monitoring of communication was the only way to determine whether there was a breach of labour discipline. The court in its justification stated that this decision does not allow employers to read all e-mails without restriction, but their conduct should be based on the facts of every particular case. The case Bärbulescu has in addition to the absolute ban on computer use for private purposes even more further specifics which the European Court of Justice did not address in much detail. The most controversial is the question whether or not the employee knew about the monitoring by the employer. The European Court of Justice was silent on this matter. The European Court of Human Rights follows by this decision the ruling on Halford and the ruling on Copland. Although the decision was adopted by a majority, one of the judges has expressed a dissenting opinion in which he said that employer's control measure was a drastic intervention in the privacy of the employee in which the Romanian courts found an excuse for termination of employment, as the employer was unable to dismiss him by lawful means.

Exceptions under the Article 7 of the Charter and the Article 8 of the European Convention

The Article 8 of the European Convention and the Article 7 of the Charter allow under certain conditions restrictions on the right to private and family life. Interference with the mentioned right is possible only if there is compliance with the principle of legality, legitimacy, and proportionality.

SOCIETAS ET IURISPRUDENTIA
2016, ročník IV., číslo 2, s. 23-37
http://sei.iuridica.truni.sk
ISSN 1339-5467

The principle of legality

Interference with the right to private and family life, residence, and correspondence of an individual is possible solely on a legal basis. The statutory legal basis for such interference may take the form of written or unwritten law. The same is also provided for by the European Convention. The legislative basis for such interference with the right to private life must be sufficiently defined.[8] This should be a legal expression of the principle of legality. According to the Constitutional Court of the Slovak Republic which is harmonized with the current case law of the European Court of Human Rights, legality means that the state may intervene in the right to privacy only when such an action is permitted by law and legal standards govern it clearly enough to be predictable under prescribed conditions.[9]

As seen, the justified interference with the right to private life is in the Article 8 of the European Convention defined almost identically to the definition of these interventions by the Charter of Fundamental Rights of the European Union. As a condition of such intervention there is also required the compliance with the principles of legitimacy and proportionality.

The principle of legitimacy

In addition to the compliance with the principle of legality, the interference with private life must be legitimate. Under the Constitutional Court of the Slovak Republic as well as the constant case law of the European Court of Human Rights the legitimacy of interference with the right to privacy is linked to its purpose. This purpose is defined in the Article 8 paragraph 2 of the European Convention, therefore, interference with the right to privacy is admissible only if:

- *It is in the interest of the state* in order to protect national security, public safety, prevention of conflicts, or crime;
- *It is in the interest of society* in order to ensure economic well-being of the country, the protection of health, or morals; and

[8] *Case of Amann v. Switzerland* [2000-02-16]. Judgement of the European Court of Human Rights, 2000, Application No. 27798/95.
[9] *Decision of the Constitutional Court of the Slovak Republic Ref. No. II. ÚS 280/09-16* [2009-09-10].

- *It is in the interest of individuals* in order to protect the rights and freedoms of others.[10]

This is a relatively wide range of reasons for legitimate interference with private and family life, residence, and correspondence of an individual (see the legal matter by the European Court of Human Rights Klass/ Germany).[11]

In the above-mentioned context, there arises an important legal question of whether the employer's property interests can be considered as a legitimate aim for the interference with private and family life, residence, and correspondence of an employee. We believe that in certain cases it could be a legitimate aim. It would depend on the circumstances of the particular case; especially, it would depend on the business activities of the employer as well as on the assessment of the seriousness of the legal consequences in case of a threat or violation of the rights of the employer. The employer, however, must also meet other conditions for the interference with the employee's private life – he/she must have an adequate legal basis, i.e. the possibility of interference with that right would have to be enshrined in law and the interference would have to comply with the principle of proportionality, i.e. the employer would have to act only to an extent that is necessary to achieve that objective.

The principle of proportionality

Proportionality means that it is possible to interfere with the right to privacy only in cases when it is inevitable, if under the current circumstances it is not possible to achieve a legitimate aim otherwise and it must be done in compliance with the rules and principles of a democratic society.

This means that there will be applied the most responsible and friendly means in relation to human rights (principle of necessity) and then the adequacy principle is interpreted in the way that the damage to the respective human rights shall not be disproportionate to the intended objective. "According to the European Court of Human Rights case law, interferences with the right to privacy shall be interpreted in a certain continuity or order. In particular, we examine whether the certain factual situation may be considered by ratione materiae as a part of the right to

[10] *Decision of the Constitutional Court of the Slovak Republic Ref. No. II. ÚS 280/09-16* [2009-09-10].

[11] *Case of Klass and Others v. Germany* [1978-09-06]. Judgement of the European Court of Human Rights, 1978, Application No. 5029/71.

SOCIETAS ET IURISPRUDENTIA
2016, ročník IV., číslo 2, s. 23-37
http://sei.iuridica.truni.sk
ISSN 1339-5467

privacy. After an affirmative answer to this question there must be examined whether the interference was lawful. Then we have to examine whether the interference was legitimate and, ultimately, whether it was proportionate. When we come across the negative response in some of these questions, we do not continue further in examining the matter."[12]

According to current literature, legitimate interference with the right to protection of personal data is legally correct under the Article 8 paragraph 2 of the European Convention as well as under the Article 8 of the Charter, as the Charter is, nowadays, already a part of primary law. Article 8 of the Charter of Fundamental Rights became the solid content of primary law, i.e. of the Treaty on the Functioning of the European Union, when the Lisbon Treaty entered into force.

Article 8 of the European Convention provides for the possibility of interference with the right to protection of personal data only if the action has a lawful legal basis and is inevitable in a democratic society for reasons of national security or public safety, for the prevention of crimes, economic order, protection of health, morals, or the rights and freedoms of others. The concept of the inevitability was explained by the European Court of Human Rights also in the legal matter Gillow/United Kingdom, according to which this word means that there is a coercive social need and that the necessary measures with the legitimate aim must be applied.[13]

In addition to the above-mentioned principles it is essential that the interference with the right to private life and the way of its implementation correspond fully to the respect of the human dignity of the employee. Otherwise, it will be considered as the employer's unauthorized interference with the privacy of the employee.

The European Court of Justice, especially in the legal case C-465/00 of 2003, explicitly stated that the protection of personal data is as a partial right included into the protection of the private sphere which is a general legal principle.[14]

---

[12] See further *Decision of the Constitutional Court of the Slovak Republic Ref. No. I. ÚS 274/05-73* [2006-06-14].

[13] *Case of Gillow v. the United Kingdom* [1986-11-24]. Judgement of the European Court of Human Rights, 1986, Application No. 9063/80.

[14] *Case of Rechnungshof v. Österreichischer Rundfunk and Others; and Christa Neukomm; and Joseph Lauermann v. Österreichischer Rundfunk* [2003-05-20]. Judgement of the Court of Justice of the European Union, 2003, C-465/00, C-138/01, and C-139/01; and *Case of Bod-*

Under the Article 8 of the European Convention there is the condition of the person's consent, legality, legitimacy, and proportionality. As regards to the proportionality there must always be defined a specific legitimate aim, purpose, and the informed consent of the person concerned. Consent of the authorized person may not be general, but only for the one and specific purpose which means that such consent of the employee should not be included in the employment contract. Privacy protection, as it is a part of basic human rights, the right to privacy and its protection cannot be validly waived.

Aside from the consent of the authorized person, the Article 7 of the Charter considers the principle of proportionality as invalid if it is necessary due to the following reasons:

- completion of the contract or pre-contractual measures – on the proposal of the person concerned;
- fulfilment of legal obligation;
- protection of the vital interests of the person concerned;
- protection of the public interest missions and the exercise of public authority;
- realization of the legitimate interests of the responsible person as well as of the interests and fundamental rights and freedoms of others.

Conclusion

On the one hand, new technologies are beneficial to humans; on the other hand, however, they are associated with ever new social and legal risks. Application of new technologies also creates very complex and absolutely new legal situations to which the existing law is often not yet ready to respond. Therefore, also the Slovak labour law faces many modern challenges resulting from the application of new technologies and solutions to their legal consequences for labour relations. The case law of the European Court of Human Rights and of the European Court of Justice provides many ideas for further development of labour law in the abovementioned sense. Legislative practice in the Slovak Republic is nowadays still insufficient to serve as an example for optimizing the Slovak labour law to comply with the quality requirements of the new needs of society which enjoys new technologies.

il Lindqvist [2003-11-06]. Judgement of the Court of Justice of the European Union, 2003, C-101/01.

SOCIETAS ET IURISPRUDENTIA
2016, ročník IV., číslo 2, s. 23-37
http://sei.iuridica.truni.sk
ISSN 1339-5467

At the beginning of the Third Millennium the labour law theory should also deal more with the solutions of new challenges of the labour law. Even in foreign legal literature, the issue of the legal consequences of new technologies in the field of labour relations is only marginally addressed.

References

Case of Amann v. Switzerland [2000-02-16]. Judgement of the European Court of Human Rights, 2000, Application No. 27798/95.

Case of Bodil Lindqvist [2003-11-06]. Judgement of the Court of Justice of the European Union, 2003, C-101/01.

Case of Erich Stauder v. City of Ulm – Sozialamt [1969-11-12]. Judgement of the Court of Justice of the European Union, 1969, C-29/69.

Case of Gillow v. the United Kingdom [1986-11-24]. Judgement of the European Court of Human Rights, 1986, Application No. 9063/80.

Case of Hoechst AG v. Commission of the European Communities [1989-09-21]. Judgement of the Court of Justice of the European Union, 1989, C-46/87 and C-227/88.

Case of Klass and Others v. Germany [1978-09-06]. Judgement of the European Court of Human Rights, 1978, Application No. 5029/71.

Case of National Panasonic (UK) Limited v. Commission of the European Communities [1980-06-26]. Judgement of the Court of Justice of the European Union, 1980, C-136/79.

Case of Niemietz v. Germany [1992-12-16]. Judgement of the European Court of Human Rights, 1992, Application No. 13710/88.

Case of Rechnungshof v. Österreichischer Rundfunk and Others; and Christa Neukomm; and Joseph Lauermann v. Österreichischer Rundfunk [2003-05-20]. Judgement of the Court of Justice of the European Union, 2003, C-465/00, C-138/01, and C-139/01.

Case of X v. Commission of the European Communities [1994-10-05]. Judgement of the Court of Justice of the European Union, 1994, C-404/92.

Decision of the Constitutional Court of the Slovak Republic Ref. No. I. ÚS 274/05-73 [2006-06-14].

Decision of the Constitutional Court of the Slovak Republic Ref. No. II. ÚS 280/09-16 [2009-09-10].

Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the Protection of Individuals with Regard to the Processing of Personal Data and on the Free Movement of such Data. OJ EC L 281, 1995-11-23, pp. 31-50.

Report from the Commission: First Report on the Implementation of the Data Protection Directive (95/46/EC) [2003-05-15]. COM (2003) 265 final.

Prof. JUDr. Helena Barancová, DrSc.

Faculty of Law
Trnava University in Trnava
Kollárova 10
917 01 Trnava
Slovak Republic
helena.barancova@truni.sk