

# **Telework remote control and employees' health data monitoring**

*In the context of the exceptional measures approved by the Portuguese Government regarding the Covid-19 pandemic, the Portuguese Data Protection Authority (CNPD) has recently issued guidelines on the rules regarding remote control of employees on telework, and on the possibility of companies directly monitoring health data and risk behaviours of their employees.*

*Regarding telework, CNPD clarified that although companies keep their powers of direction and supervision towards their employees, it is not lawful to use means of remote surveillance, notably softwares, to monitor and record aspects such as performance, working hours, inactivity time, visited web pages, real time location of a terminal or the usage of peripheral devices (i.e. mouse and keyboard).*

*Alternatively, the employer's control over the activity carried out by such employees may be done, notably, by setting specific objectives, creating report obligations and by setting up teleconference meetings.*

*We stress, however, that the recording of the working time by the company must continue to be done in a telework scenario, either by using specific technological solutions which only register the beginning and the end of the labour activity (including breaks), or by setting the employees' obligation to inform the company (by email, SMS, phone or other, exceptionally allowed in this period) of their working hours, within the applicable legal limits.*

*In what concerns the collection and recording of employees' health related data (eg: body temperature) or other risky behaviours which may indicate coronavirus infection, CNPD clarified that it cannot be done directly by the employer.*

*Such verification and recording may only be pursued by health authorities (ex: occupational health professionals) or by the employees themselves, through self-monitoring process.*

## **Contacto**

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