

## **Lawful processing of personal data within the home office**

In the course of the current corona pandemic, it is well known that social contacts must be reduced to an absolute minimum. Many companies are therefore focusing on home and mobile office solutions. In addition to home office issues relating to employment law, which we already addressed in our previous newsletter, data protection must also be kept in mind.

Regardless of where the employee works for the employer, the employer is responsible for the processing of personal data by the employee in accordance with data protection law. In principle, the domestic workplace is subject to the same regulations as the workplace at the company with regard to data protection issues. However, the employer is generally unable to monitor compliance with the relevant regulations, as access to the employee's home is generally denied. Consequently, it is of particular importance to take appropriate technical and organizational measures in advance to enable data processing in compliance with data protection law, including in the home office.

Initially, only the employer's equipment should be used to separate the employee's private data from business data and to ensure the most secure processing possible. Thus, the employee should work exclusively with notebooks, mobile phones, etc. provided by the employer, and should under no circumstances use his or her private devices for work.

In addition, the employer should ensure in the employment contract that the employee sets up effective access restrictions to the home office devices so that family members in particular are not given access to the devices - for example for private use. The private use of the devices should also be contractually excluded for the employee if possible, in order not to prevent the employer from accessing stored content. It is also conceivable to grant a contractual right of access to the employee's home to enable the employer to control data processing in the home office in accordance with data protection law. If a works council exists, its rights of participation and co-determination must always be observed when taking appropriate measures.

As with the implementation of all measures relating to personal data, all technical and organizational measures taken should be documented in the best possible way so that the implementation of appropriate measures can be proven in the event of a possible inspection by the data protection authorities.

SNB will be happy to assist you with any questions you may have on this topic and all other problem areas under data protection law.

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