

Human resources

CAN I ASK MY EMPLOYER TO HAVE ACCESS TO THE INFORMATION CONTAINED IN MY HR FILE?

Yes.

In accordance with Article 12 of Law No. 1.565 of December 3, 2024, **any individual** who so requests has the right to obtain confirmation that data **concerning him or her** are being collected and processed and can obtain the **communication of said data**.

An employee can therefore contact his or her employer to access the information held about him or her by the Human Resources Department.

However, this right of access is limited by the **respect for the rights of third parties**. A person can **only access the data concerning him or herself** and will not be able to obtain information about a co-worker.

The right of access must not undermine **trade secrets** or **intellectual property**.

To learn more:

- Factsheet [The rights of data subjects with regard to their personal data](#)

CAN MY EMPLOYER ASK ME FOR DETAILS ABOUT MY HEALTH?

No, this information is part of the « **sensitive data** », defined in Article 2 of Law No. 1.565 of December 3, 2024, as personal data which **directly or indirectly** reveal political opinions or affiliations, racial or ethnic origins, religious or philosophical beliefs, union membership, or genetic data, biometric data for uniquely identifying a natural person, or data concerning the health, sexual life, or sexual orientation of a natural person.

The collection and processing of such data are, except for exceptions, **prohibited** and constitute a **criminal offense**.

Your employer will only be informed within the framework of occupational medicine if you are **fit for your job, fit with restrictions, or unfit**.

Furthermore, in the event of sick leave, your employer is not informed of the reason.

CAN I REFUSE TO HAVE MY PHOTOGRAPH IN MY COMPANY'S TROMBINOSCOPE?

Yes, everyone has an absolute right over their image and the use that can be made of it.

Thus, as long as the publication of an employee's photo does not fall within the company's obligations regarding the administrative management of employees (directory, internal directory, social networks, etc.), the employer must obtain the **express consent of the data subject**

regarding the use of his or her photograph prior to its publication.

CAN MY EMPLOYER REQUEST A DETAILED RECORD OF THE CALLS I'VE MADE FROM MY WORK PHONE?

Yes, an employer can request a detailed statement including all the called numbers **but only in two specific cases**:

- when the employer asks the employee to reimburse the expenses related to the private use of the company's fixed or mobile telephone service, **if the employee disputes the said amount**;
- when the employer observes a clearly abusive use of the fixed or mobile telephone service by the employee in relation to the average usage observed for this type of service within the company, **provided that the telephone statement is established in the presence of the employee**.

Indeed, the issuance of such a phone record should not allow the surveillance of correspondents who are specifically identified and called by the employee, **beyond the mere observation of the private nature of the communication**.

Apart from these two cases, **the last four digits of the called number must be hidden** when issuing detailed statements.