



OFFICE OF THE
INFORMATION &
PRIVACY COMMISSIONER
for British Columbia

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Employees have privacy rights at work

Editor:

Recent events in Saanich have created some confusion about employee privacy in the workplace, but the law is clear.

Employees have a reasonable expectation of privacy in the workplace, even when using a computer supplied by an employer. These rights were affirmed by the Supreme Court of Canada in *R v. Cole* and are enshrined in B.C.'s comprehensive privacy laws covering the public and private sector.

We all expect governments and businesses to secure their networked systems against outside intrusions, malware or other threats. But employees don't check their privacy rights at the office door. Privacy law sets a very high threshold for the use of routine monitoring tools such as keyboard logging, workstation mirroring or tracking of personal messages.

In 2007 my Office ruled on a case where a university installed spyware on an employee's computer to track their activities. We found that data collected by the spyware didn't meet the necessity test and therefore did not comply with privacy law.

Employee monitoring isn't as simple as picking a software tool off the shelf. Careful consideration must be paid to what is necessary and reasonable in the circumstances. Employers must ensure that in securing their systems, the privacy rights of employees are respected.

Elizabeth Denham
Information and Privacy Commissioner for British Columbia