



## Employee monitoring and surveillance

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Employee monitoring and surveillance are not new phenomena. Employers routinely engage in the monitoring of employees' activities for various reasons including the protection of the organization's assets and property rights; the tracking of performance and optimization of processes; or the prevention of criminal or fraudulent activities.

However, monitoring and surveillance as a management practice comes with legal obligations whose compliance is now mandatory.

In the course of monitoring employees, employers who intend to use technology and in so doing collect or save personal information of their employees must comply with certain conditions.

A number of statutes such as the Data Protection Act set out certain preliminary formalities they must adhere to. These include but is not limited to adequately informing and engaging with the employees on the impacts of monitoring software.

If these steps are not strictly complied with, the monitoring activity could contravene the laws which now emphasize the importance of safeguarding the privacy of individuals when processing biometric data and sets a high bar for organizations processing such data.

Organizations that wish to implement automated monitoring system, should therefore carefully analyze the legal requirements of doing so and endeavor to strictly adhere to the same before proceeding lest they be held legally culpable for violating the privacy rights of their employees.

At AIP Advocates, we have lawyers who will guide you on legal matters arising from employment law while ensuring your interests are protected.

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