

- 3.4.5** Ensure that information obtained through covert monitoring is used only for the prevention or detection of criminal activity or equivalent malpractice. Disregard and, where feasible, delete other information collected in the course of monitoring unless it reveals information that no employer could reasonably be expected to ignore.

**Key points and possible actions**

- In a covert monitoring exercise, limit the number of people involved in the investigation.
- Prior to the investigation, set up clear rules limiting the disclosure and access to information obtained.
- If information is revealed in the course of covert monitoring that is tangential to the original investigation, delete it from the records unless it concerns other criminal activity or equivalent malpractice.

## 3.5 In-vehicle monitoring

Devices can record or transmit information such as the location of a vehicle, the distance it has covered and information about the user's driving habits. Monitoring of vehicle movements, where the vehicle is allocated to a specific driver, and information about the performance of the vehicle can therefore be linked to a specific individual, will fall within the scope of the Data Protection Act.

- 3.5.1** If in-vehicle monitoring is or will be used, consider – preferably using an impact assessment – whether the benefits justify the adverse impact.

**Key points and possible actions**

- Where private use of a vehicle is allowed, monitoring its movements when used privately, without the freely given consent of the user, will rarely be justified.
- If the vehicle is for both private and business use, it ought to be possible to provide a 'privacy button' or similar arrangement to enable the monitoring to be disabled.
- Where an employer is under a legal obligation to monitor the use of vehicles, even if used privately, for example by fitting a tachograph to a lorry, then the legal obligation will take precedence.

- 3.5.2** Set out a policy that states what private use can be made of vehicles provided by, or on behalf of, the employer, and any conditions attached to use.

**Key points and possible actions**

- Make sure, either in the policy or separately, that details of the nature and extent of monitoring are set out.
- Check that workers using vehicles are aware of the policy.

