

- 3.4.5** Limit the number of staff involved in covert monitoring and identify clearly who has authorisation to be involved. Clear rules should be set down limiting the disclosure of and access to personal information obtained. Information about workers who are not the target of the investigation should be deleted as soon as practicable. The type of activities that an employer could not reasonably be expected to ignore might include criminal activity, gross misconduct or practices that jeopardise the safety of others.

3.5 In-vehicle monitoring

- 3.5.1** In an impact assessment of monitoring of vehicles used by workers you should consider the following:

- Can the monitoring be conducted without yielding information that relates to the private use of vehicles? Information about the location of the vehicle will be the most intrusive.
- Is private use of vehicles supplied by, or on behalf of, the employer, allowed? Where private use of vehicles is allowed, monitoring their movement when used privately, without the freely given consent of the user, will rarely be justified. (Note: this means that if the vehicle is used for both private and business use there ought to be a 'privacy button' or other arrangement that enables the monitoring to be disabled. However 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.)
- Is monitoring of workers' own vehicles to take place? Monitoring of such vehicles will only be justified where the vehicle is being used for business purposes, the worker has freely consented to the installation and use of any monitoring device, and the information collected by the employer is strictly necessary for its business purposes, for example to reimburse the worker for the cost of business use.

The approach of making an impact assessment should be applied to monitoring even if vehicles are provided by, or on behalf of, the employer, exclusively for business and related use, e.g. home to work journeys.

- 3.5.2** It is important to lay down clear rules as to what private use is or is not allowed of vehicles supplied by, or on behalf of, the employer and the conditions that attach to both private and business use. Workers should be told clearly of any monitoring that takes place and how any information obtained will be used. It should be possible for the user to disable any monitoring of the vehicle's movements when it is being used privately although there may be a facility to override this in exceptional circumstances, e.g. theft.

Ensure workers given access to vehicles are aware of the policy.

3.6 Monitoring through information from third parties

- 3.6.1** An impact assessment should be based on the presumption that workers are entitled to keep their private lives private and that employers should not intrude into this unless they face a real risk to which the intrusion is a proportionate response. As part of the