

**VIII International Summer School on Cyber Law**

## **Data Breach by Employee**

**New technologies: new responsibilities?**

**Vera Oliveira**

# Goals and objectives

## What if the employee causes a personal data breach?

- Could a personal data breach be caused by an employee?
- What happens to the relationship between the organization and the employee?







The  
workplace  
has been  
undergoing  
some  
changes.



# Workplace and globalization



**The workplace can be anywhere in the World.**



# Networking

Customer  
Supplier

Employee

Employer

# Threats



## Phishing

Method of data or information theft through e-mail.



## Spam

Unsolicited advertising that may contain viruses and therefore infect the machine.



## Security certificate

Accessing sites that do not present a security certificate and are not HTTPS.



## Ransomware

A form of malicious software (or malware) that usually denies the access to data.



## Visual Hacking

Stealing information by simple observation.



The employee may  
compromise personal data.



## **DATA BREACH**



# General Data Protection Regulation (GDPR)

## Personal Data Breach

Any information relating to an identified or identifiable natural person (name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person).

A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed;

## Personal Data

## Controller

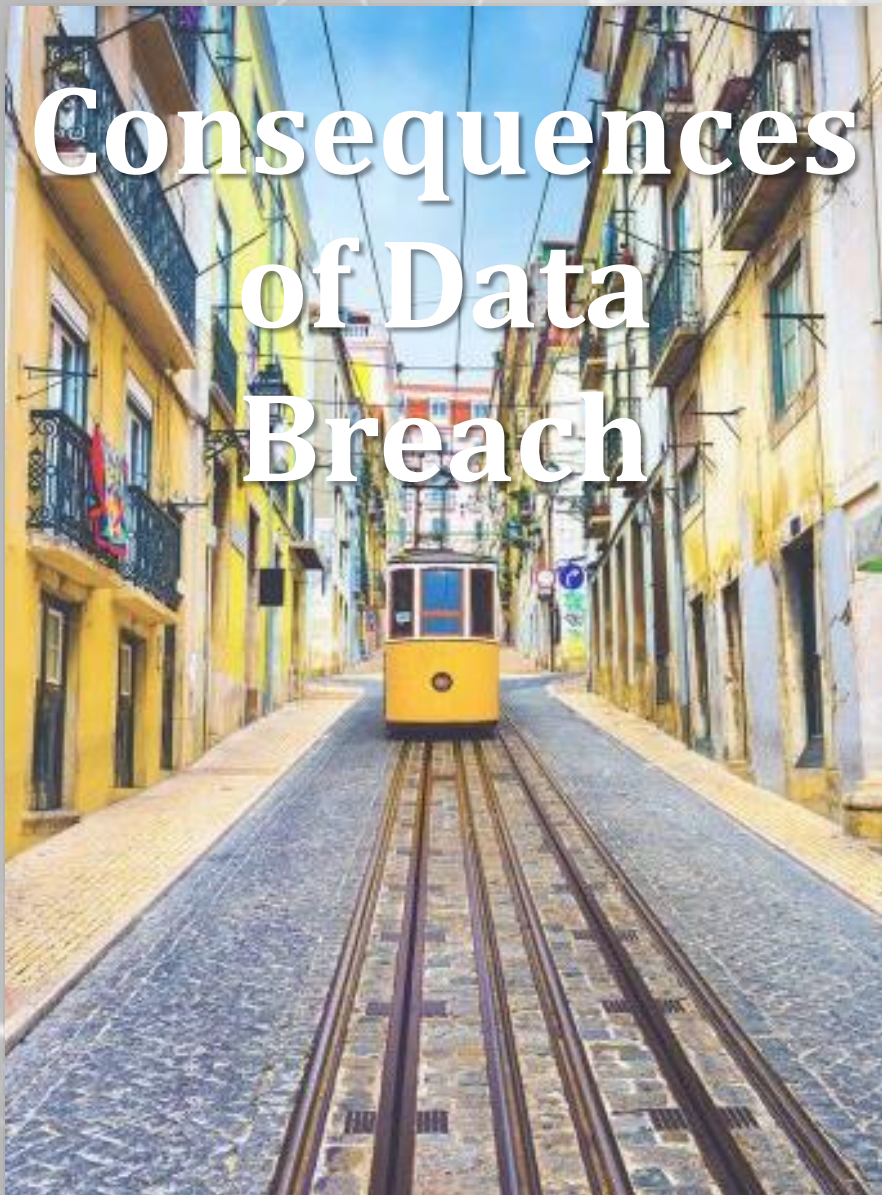


Member States may provide for more specific rules to ensure the protection of the rights and freedoms in respect of the processing of employees' personal data in the employment context.

The natural or legal person, public authority, agency or other body which determines the purposes and means of the processing of personal data;

## Employment context





# General Data Protection Regulation

**The controller shall submit**



Notification of a personal data breach to the supervisory authority



Communication of a personal data breach to the data subject

**The data subject shall have**



Right to an effective judicial remedy against the controller



Right to receive compensation from the controller for the damage suffered

**Each supervisory authority shall ensure the imposition of**



Administrative fines

# GDPR and Portuguese Labour Law

**CONTROLLER  
(GDPR)**

**EMPLOYER AND EMPLOYEE  
RELATIONSHIP  
(PORTUGUESE LABOR LAW)**

**Notification and  
Communication**



**Judicial  
remedy and  
compensation**

**Disciplinary  
sanctions and  
Dismissal**

**Administrative fine**  
(10.0000 euro to 2% of  
the total worldwide  
annual turnover of the  
preceding financial  
year)

Violation of rights  
and guarantees of  
employees of the  
company



Injury of the  
company's serious  
property interests

**Vera Oliveira**



- The relationship between employee and employer is no longer a relationship limited to the company's space.
- Within the company is possible that there are higher control and higher security level.
- Although, outside, the company must have mechanisms which prevent third parties from having access to confidential data and information.
- The employees should be aware of the procedures and diligences that must be taken to evaluate if the environment, digital and/or physical, is safe to perform operations in which personal data or confidential information are present.
- The technical measures are fundamental. But we cannot forget about the behavioral aspects!



## Conclusion



**Спасибо!**

┌ Vera Oliveira