

Net Monitor for Employees Pro and GDPR Compliance

Introduction

The EU General Data Protection Regulation ("GDPR") was implemented throughout the European Union, introducing the most significant changes to data protection legislation in the last two decades.

Net Monitor for Employees Pro aids employers in delivering engaging work content, fostering collaboration, and overseeing employee computers to sustain focus and productivity.

A Net Monitor for Employees Pro setup involves processing personal data, subjecting it to GDPR regulations. This document presents comprehensive information concerning Net Monitor for Employees Pro, ensuring that personal data handling aligns with the GDPR. The following sections assist in creating a record of processing activities, conducting risk assessments, guiding purchasing and procurement due diligence, and providing information for privacy notices.

How does Net Monitor for Employees Pro process personal data?

Net Monitor for Employees Pro is a workplace monitoring and collaboration tool. It's an on-premises solution, making your organization both a Data Controller and Data Processor for any processed personal data. The product includes an employee module installed on their workstations. This module interacts with and monitors computer usage, transmitting data directly to the Net Monitor for Employees Pro Console via proprietary encrypted protocol. Data is processed and displayed within the Console.

Where is the personal data stored?

Net Monitor for Employees Pro does not automatically store personal data, but certain functions can be enabled to allow organizations to retain and store such data.

Both the Console and the agent store data.

Data in the Console is stored in the following folder:

C:\ProgramData\Net Monitor for Employees Pro\data

Data in the agent is stored in the folder where the agent is installed – default location:

C:\Program Files (x86)\Net Monitor for Employees Pro

What data is collected and stored?

The table below lists the personal information that is stored in the Net Monitor for Employees Pro.

Name	Purpose	Legal Grounds	Sensitivity	Collection
Computer Name	Identification	Task / Legitimate interests*	Personal Data	Automatically collected
Logon Name	Identification	Task / Legitimate interests*	Personal Data	Automatically collected
Screen Capture	Employee Monitoring	Task / Legitimate interests*	Sensitive Data	Optional Data
Accessed URL	Employee Monitoring	Task / Legitimate interests*	Personal Data	Optional Data
Title of Accessed URL	Employee Monitoring	Task / Legitimate interests*	Personal Data	Optional Data
Audio Capture	Employee Monitoring	Task / Legitimate interests*	Sensitive Data	Optional Data
Keyboard Capture	Employee Monitoring	Task / Legitimate interests*	Sensitive Data	Optional Data
Running Capture Applications	Employee Monitoring	Task / Legitimate interests*	Personal Data	Optional Data
Running Capture Processes	Employee Monitoring	Task / Legitimate interests*	Personal Data	Optional Data
File Capture	Employee Monitoring	Task / Legitimate interests*	Sensitive Data	Optional Data
Installed Capture Applications	Employee Monitoring	Task / Legitimate interests*	Personal Data	Optional Data
WLAN Profiles Capture	Employee Monitoring	Task / Legitimate interests*	Personal Data	Optional Data
Outlook Profiles Capture	Employee Monitoring	Task / Legitimate interests*	Sensitive Data	Optional Data
Computer Accounts Capture User	Employee Monitoring	Task / Legitimate interests*	Personal Data	Optional Data

** The Lawful Basis for processing is decided by the Data Controller (the Customer) and not by provider of Net Monitor for Employees Pro. This table gives the suggested basis for public authorities/companies and other organizations. Please confirm the correct Lawful Basis with your Data Protection Officer/Data Protection lead.*

Net Monitor for Employees Pro and GDPR Data Subject Rights

The GDPR outlines eight rights that individuals have concerning processing their personal data. Ensuring compliance with these rights is essential under the new regulations. This section elaborates on each right and its implications for Net Monitor for Employees Pro. It's important to note that all decisions regarding how Net Monitor for Employees Pro supports upholding Data Subjects' Rights are by the Customer, who acts as the Data Controller. The following information is shared to provide guidance and support.

The Right to Be Informed

Individuals possess the right to be informed about collecting and using their personal data, a fundamental transparency requirement according to the GDPR. To support this, we recommend implementing Acceptable Use and Privacy Policies that distinctly outline monitoring activities' nature and timing.

The Right of Access

As per the GDPR, individuals have the right to access their personal data. This empowers them to confirm the lawfulness of data processing. Net Monitor for Employees Pro does not inherently store personal data beyond the active session. Certain functions can be enabled to allow organizations to manually retain and store personal data. Should data subjects request access to data stored by the software, appropriate procedures should be in place to provide this information.

The Right to Rectification

Under Article 16 of the GDPR, individuals possess the right to rectify inaccurate personal data. Net Monitor for Employees Pro does not typically store personal data beyond active sessions, making data editing unnecessary. Any manually saved data is stored in standard electronic formats.

The Right to Erasure (Right to Be Forgotten)

Article 17 of the GDPR grants individuals the right to have personal data erased, also known as the 'right to be forgotten'. This right is not absolute and applies only under certain circumstances. Net Monitor for Employees Pro does not generally store personal data beyond active sessions unless configured that way.

The Right to Restrict Processing

Article 18 of the GDPR allows individuals to restrict the processing of their personal data under specific circumstances. While Net Monitor for Employees Pro doesn't have a specific 'restriction' feature, it's possible to temporarily exclude specific employee machines from monitoring.

The Right to Data Portability

Data portability applies to personal data that individuals have provided to a controller, where processing is based on consent or contract performance and when processing is automated. Net Monitor for Employees Pro does not inherently store personal data, but functions can be enabled for manual data retention. Making data portable depends on the Data Controller's chosen lawful basis for processing.

The Right to Object

By regulation, individuals can object to data processing if it relates to their specific situation. Processing must cease unless compelling legitimate grounds override the individual's rights. Net Monitor for Employees Pro serves organizational needs, demonstrating legitimate grounds for processing. Objecting to data processing could impact an organization's ability to achieve its productivity goals.

Rights Related to Automated Decision Making and Profiling

Net Monitor for Employees Pro does not engage in automated decision-making.

This information provides an overview of how Net Monitor for Employees Pro relates to GDPR data subject rights. It is important for organizations to formulate their policies and practices in accordance with applicable laws and regulations.

Some common questions regarding the use of Net Monitor for Employees Pro

Is provider of Net Monitor for Employees Pro the data processor or the data controller?

For a Customer using Net Monitor for Employees Pro, the application does not have access to any organization's data. Once the product is installed, all the data is stored locally on the organization's computers. Therefore, within the context of Net Monitor for Employees Pro, the provider of Net Monitor for Employees Pro is neither the data controller nor the data processor.

Is the organization (Customer) the data processor or the data controller within the context of Net Monitor for Employees Pro?

For Net Monitor for Employees Pro users, organizations remain the data controller of their own data on the system.

Does Net Monitor for Employees Pro process personal data?

Personal information associated with individual employees is processed by Net Monitor for Employees Pro, and thus, the rules of the GDPR apply to its use. Net Monitor for Employees Pro does not store personal data by default except for recorded activities. However, a range of functions may be enabled to allow organizations to retain and store personal data as part of manual saving of files or data. If users of the product manually saves any data, then the location of this data is defined by them.

Does Net Monitor for Employees Pro process sensitive data?

Screen capture data, audio capture data, keyboard monitoring and some other data (see table) are all collected by Net Monitor for Employees Pro. Due to the possible nature of this data, it could contain sensitive information and, as such, it is recommended that it be treated as sensitive data. However, a decision about this should be documented as part of any risk assessment.

Do I need to get consent from all employees before I can monitor them with Net Monitor for Employees Pro?

Consent is not normally required. However, you need to provide clear notification that there is a system in place that enables employee monitoring. This notification should explain that Net Monitor for Employees Pro will record their activities, including keystrokes and interactions, for monitoring, safeguarding, or other purposes. Organizations should clearly state why it is necessary to monitor employees' activities and how that data will be processed, stored, and deleted.

What if an employee doesn't consent to being monitored?

As mentioned, consent is not normally required. It's important to explain the necessity of monitoring employees and the reasons why. Refer to relevant data protection guidelines for the lawful basis for processing information.

The reasons are likely to be a combination of fulfilling tasks (for applicable cases), legitimate interests (for various organizations), fulfilling contractual obligations, and meeting legal requirements, including safeguarding of individuals.

Disclaimer

The information provided here is intended solely for informational purposes and is not a legal advice. It is not a substitute for professional legal guidance or consultation. While efforts have been made to ensure the accuracy and reliability of the information, it is important to consult with a qualified legal professional or advisor regarding specific legal concerns or questions.