

## Employee Data Privacy – Finland

### Security Requirements

#### What security obligations are imposed on data controllers and data processors?

Security requirements may not always be included in the data protection law, but are key to guaranteeing lawful processing of personal data. The entity processing the data must take all useful precautions with respect to the nature of the data and the risk presented by the processing, to preserve the security of the data and, prevent alteration, corruption or access by unauthorized third parties.



Appropriate technical and organizational measures should be implemented to ensure a level of security appropriate to the risk.

Employers in Finland should follow the general security standards listed in Article 32 of the General Data Protection regulation. When protecting employee and applicant data, consider the sensitivity of the information, the technology available, the expense of protecting the data and the risk to individuals if the data is compromised. Then take organizational and technological measures, including:

- pseudonymization/encryption;
- measures to ensure the confidentiality, integrity, availability and resilience of information processing systems
- measures to restore the system and access in case of an incident (such as a power outage)
- processes to regularly test and assess the system to ensure continued security.

The Finnish Data Protection Act (1050/2018) (DPA) also includes certain security requirements relating to employee data processing, including:

- giving those who process personal data a duty of confidentiality; and,

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- prohibiting personal identity numbers from being unnecessarily included on printed hard copies or drawn up from personal data files.

Separately, processing employees' medical data is limited under the Finnish Act on the Protection of Privacy in Working Life (759/2004). Employers may only process medical data for purposes specified in the Act or where allowed by other laws. In addition, only certain individuals can process employees' health information (those in specific roles or those who have been nominated). The employer and those who are permitted to process health-related data are subject to non-disclosure obligations and cannot disclose employees' health information to third parties. Any information relating to an employee's state of health should be stored

separately from other personal employee information.

Health related data, such as drug tests, should be erased as soon as the grounds for processing the data ceases to exist. In addition, the grounds and necessity for processing the health data must be reviewed at least every five years.



## HR Best Practices:

Ensure contracts with service providers detail

the security and confidentiality measures that will be implemented. In addition, regularly train employees who may have access to personal information, to ensure that they are following all technical and organizational security measures that have been put in place.

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