

# Germany to prevent Facebook checks

August 25 2010, By VERENA SCHMITT-ROSCHMANN , Associated Press Writer

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Facebook logo

(AP) -- Ever thought twice about posting a party picture on Facebook, fearing it could someday hurt your chance at a dream job? A new German law is supposed to solve the problem by making it illegal for prospective employers to spy on applicants' private postings.

The draft law on employee data security presented by Interior Minister Thomas de Maiziere on Wednesday is the government's latest attempt to address privacy concerns about online services including social networks and [Google](#) "Street View".

It is also a reaction to corporations checking on employee e-mails and filming sales clerks during coffee breaks - which has triggered public outrage in [Germany](#).

De Maiziere acknowledged that some of the new regulations - which have yet to be discussed and passed by parliament - might be complicated to enact.

For example, employers will still be allowed to run a search on the Web on their applicants, de Maiziere said. Anything out in public is fair game, as are postings on networks specifically created for business contacts, such as LinkedIn.

In contrast, it will be illegal to become a [Facebook](#) friend with an applicant in order to check out private details, he said, adding that some people seem to be indiscriminate about whom they accept as a friend.

"If an employer turns down an application with another reasoning it might be difficult to prove" that the negative answer was based on the Facebook postings, de Maiziere said.

A rejected job applicant who proves he or she was turned down based on violation of the new law could take the company to court and claim damages, he said.

The new law will also prevent clandestine [video surveillance](#) in the workplace, particularly in private spaces like lavatories or locker rooms, de Maiziere said. An employer ignoring the new rule could be charged fines of up to euro300,000 (about \$379,000).

However, cameras will be allowed in public spaces like supermarkets and some factories or warehouses, if employees know about them, he said.

"Overall, the new rules passed by the cabinet keep a good balance between employees' interests on the hand and companies' interests on the other," de Maiziere said.

The BDA employers' federation called the draft is too imprecise in some points, adding that it thinks some of de Maiziere's proposals would hinder the fight against corruption and crime.

The retailers' association HDE said some of the regulations go much too far, and outlawing clandestine video surveillance would be wrong.

"Here we hope for changes in the government draft," HDE said in a press release.

Germany's data protection watchdog, Peter Schaar, applauded the government's effort, calling it long overdue.

It is "a substantial improvement on the status quo in dealing with employee's data," he said.

De Maiziere said he does not know yet when the law will go into effect.

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