

LEGAL UPDATE – MAY, 2012

ILITA ACCEPTING COMMENTS TO DRAFT HANDBOOK ON PROTECTING PERSONAL INFORMATION IN THE WORKPLACE

The Israeli Law, Information and Technology Authority (Israel's data protection authority, "ILITA") recently issued a draft Handbook for Employers and Employees on the subject of Protecting Personal Information in the Workplace (the "Handbook"). The Handbook is designed to aid employers in complying with the data privacy laws. ILITA is accepting comments regarding the draft Handbook through June 17, 2012.

Highlights of the Handbook include the following guidance to employers:

- Employers must conduct an ongoing analysis of the scope of collected personal information and the purpose of the collection. Employers must ensure that they are not collecting information that is unnecessary for the stated purpose.
- Employers must catalogue all employee personal information stored, and maintain a list of individuals having access to such information, as well as the purpose of such access.
- Employers must institute guidelines and implement technological solutions designed to protect personal information from disclosure to unauthorized persons, or misuse by authorized users.
- To prevent data misuse, employers must conduct ongoing training for staff members who have access to personal information regarding their obligations under privacy laws.
- Employers must conduct security audits of subcontractors (including job placement services), who have access to personal information collected by the employers, to ensure their compliance with the guidelines set forth in the Handbook.
- Employers must establish clear policies regarding permitted and prohibited use of information technology and electronic devices (including computers and smartphones) as well as the circumstances under which the employer may monitor the employees' use of these devices, and obtain consents as required by law.

The guidance in the Handbook covers the lifecycle of information retention beginning with the interview process until the end of the employer-employee relationship. Also included in the Handbook is a checklist of the important issues an employer can use to self-check compliance, and suggested best practices.

While the Handbook does not have the status of binding law, it indicates how ILITA will interpret the applicable law in the context of exercising its authority. This interpretation imposes substantive obligations on employers with regard to collection and use of employees' data, including in the context of pre-hiring activities.

Companies are advised to consider the Handbook in the context of their collection, use and retention of personal data relating to job applicants and present and former employees.

The full text of the Handbook is available at:

<http://www.justice.gov.il/NR/rdonlyres/4F407CF2-45DB-4861-9E20-3FA7F62BE538/34744/employerguide.pdf>

The current version of the Handbook is a draft circulated for comment only, and if it is formally adopted, it may be modified before it is released in its final form. As mentioned above, ILITA is accepting comments regarding the draft Handbook through June 17, 2012.

If you would like to submit a comment to ILITA regarding the Handbook, or if you have additional questions concerning the subject matter of this memorandum, or, please feel free to contact Yoheved Novogroder (yohevedn@arnon.co.il) or Shira Lahat (shiral@arnon.co.il).