

Turkish Constitutional Court Finds Employer who Surveilled Employee's Email Acted Lawfully where Surveillance Right was Recited in Employment Contract

16 Mar 2021

Turkish Constitutional Court (the "**Court**") held that an employer who surveilled employee's email acted lawfully where surveillance right was recited in the employment contract.

In the instant case, employer terminated the employment contract after discovering that employee-petitioner was using company email for non-company commercial matters.

Relying on precedent (see, Court decision dated 24 February 2016, and numbered 2013/4825), the Court found that employer, a private bank, had a legitimate business interest in surveilling employee's email. The Court decided that employee's use of email violated the employment contract; and found no violation of employee's personal data protection or freedom of communication rights because surveillance was lawful and proportioned under the circumstances, considering that the employer used only emails indicating the applicant's engagement in commercial activities in order to support its claim, and the employment contract constituted notice of same.

The full text of the Court's decision numbered 2018/31036 and dated 12 January 2021 is at this [link](#). (Only available in Turkish)

Related Practices

- [Privacy and Data Protection](#)
- [Employment and Labor](#)
- [Employment Disputes](#)

Related Attorneys

- [BURCU TUZCU ERS?N, LL.M.](#)
- [CEYLAN NEC?PO?LU, Ph.D, LL.M.](#)