

2017-08-08 – Company announcement

Press Officer:  
Petra Sauer-Wolfgramm

Phone: +49 (0)4 31/39 93 - 525  
Fax: +49 (0)4 31/39 93 - 999  
E-mail: sauer-wolfgramm@consist.de

## **IT security in the workplace in accordance with employee rights**

### **Legal and data protection-compliant IT security solutions are in demand**

**According to the current Federal Labor Court's verdict on the illicit use of monitoring tools, questions arise as to how IT security can be created in the workplace, without violating workers' rights in the event of a case.**

Kiel – On 2017-07-27, the Federal Labor Court ruled that a too far-reaching keylogging was too much an interference with the employee's personality rights. According to Article 32 (1) of the Bundesdatenschutzgesetz (BDSG), this is inadmissible "if there is no suspicion of a criminal offense or other serious breach of duty which is related to the employee."

Obtained findings from the underlying case in which the employee was informed about a monitoring, but ultimately each of his keystrokes was recorded and, in addition, a scouting software monitored the screen, could not be used as a legal tool. This would have been different if only actual critical activities on company data had been recorded.

In view of the current ruling, the uncertainties are high to what extent a data-safe foundation can be created in companies without violating employee rights in the event of a case. Especially with regard to the amendment of the Federal Data Protection Act (BDSG), which will enter into force in 2018, companies are obliged to provide proof of a continuous comprehensive prevention as well as damage limitation in the case

**Consist Software Solutions GmbH**  
A Consist World Group Company

Falklandstrasse 1-3, 24159 Kiel, Germany  
P.O. Box 93 28, 24152 Kiel, Germany

Press Contact:  
Petra Sauer-Wolfgramm

Phone: +49 (0)4 31/39 93 - 525  
Fax: +49 (0)4 31/39 93 - 999  
E-mail: sauer-wolfgramm@consist.de  
Internet: www.consist.de/www/en/press

Company location: Kiel  
HRB Kiel No. 3983

Management:  
Daniel Ries  
Martin Lochte-Holtgreven

of possible data leaks and therefore have to monitor the activities of the users.

Intelligent IT security solutions are able to reconcile these initially contradictory requirements.

## **What must a legally secure IT security solution be able to do?**

- It must not be possible that screenshots or metadata of personal data, for example private e-mails or private payment transactions with reference to the user, are stored.
- The logged user activities are evaluated only in the event of a suspicion, according to the Data Protection Act and with the involvement of the works council. For this purpose, an appropriate service agreement must be made in advance.
- Transparency is important: It is possible for the user at any time to know what has been saved (see § 34 BDSG) and who has access to his logged activities.
- The provisions of the Federal Data Protection Act must be integrated. Please refer to §§ 1-11, as well as 32-35 of the BDSG. In particular, § 4 Permissibility of data collection, processing and use, § 9 Technical and organizational measures and § 35 Correction, deletion and blocking of data are mentioned.

It is important that the solution used is resource-conserving and data-saving in order to meet not only a further legal requirement but also the necessary performance.

IT security in the workplace needs no sorcery. It should be both legally secure and meaningful, easily integrable and scalable for the respective company size.

**Consist Software Solutions GmbH**  
A Consist World Group Company

Falklandstrasse 1-3, 24159 Kiel, Germany  
P.O. Box 93 28, 24152 Kiel, Germany

Press Contact:  
Petra Sauer-Wolfgramm

Phone: +49 (0)4 31 / 39 93 - 525  
Fax: +49 (0)4 31 / 39 93 - 999  
E-mail: sauer-wolfgramm@consist.de  
Internet: www.consist.de/www/en/press

Company location: Kiel  
HRB Kiel No. 3983

Management:  
Daniel Ries  
Martin Lochte-Holtgreven

# Press Release

## Factsheet

The detailed factsheet on the topic and further information can be found at [www.consist.de](http://www.consist.de).

Consist Software Solutions GmbH is a specialist in IT security and puts great emphasis on solutions that are not only legally secure, but also operate in real-time before any damage can occur.

This press release contains 2.850 characters (including spaces), with an average of 58 characters per line. You can also find it at [www.consist.de/presse](http://www.consist.de/presse)

## Illustrations:



*Keylogging at the working place; Source: Fotolia ©DWS*

## More information:

- About Consist: [www.consist.de](http://www.consist.de)
- About the judgement of the Federal Labor Court:  
<http://juris.bundesarbeitsgericht.de/cgi-bin/rechtsprechung/document.py?Gericht=bag&Art=pm&nr=19403>

**Consist Software Solutions GmbH**  
A Consist World Group Company

Falklandstrasse 1-3, 24159 Kiel, Germany  
P.O. Box 93 28, 24152 Kiel, Germany

Press Contact:  
Petra Sauer-Wolfgramm

Phone: +49 (0)4 31 / 39 93 - 525  
Fax: +49 (0)4 31 / 39 93 - 999  
E-mail: [sauer-wolfgramm@consist.de](mailto:sauer-wolfgramm@consist.de)  
Internet: [www.consist.de/www/en/press](http://www.consist.de/www/en/press)

Company location: Kiel  
HRB Kiel No. 3983

Management:  
Daniel Ries  
Martin Lochte-Holtgreven

# Company Portrait



Consist Software Solutions GmbH is a specialist in IT services and software. The IT service provider supports its customers throughout the entire software lifecycle, from development projects to maintenance in the operating phase, to supplementary big data and security products.

With more than 180 employees at the sites in Kiel, Berlin and Frankfurt, Consist is setting the benchmark for data analytics, IT security and managed services.

Founded in 1994 at the Kiel headquarters, the company continues its growth path, which makes Consist one of the most experienced IT service providers, thanks to proven mainframe competence and highly qualified specialists for innovative technologies. Awarded with the „Großer Preis des Mittelstandes“ Consist again received the plaque of honor in 2016.



<b>Year of founding:</b>	1983 profit center of Krupp MAK 1994 spin-off under the name Mak DATA SYSTEM Kiel GmbH
<b>Managing Directors:</b>	Martin Lochte-Holtgreven, Daniel Ries
<b>Sales, employees:</b>	26 Mio. € (2016), 190 employees (01/01/2017)
<b>Locations:</b>	Kiel, Berlin, Frankfurt (Main), Braunschweig
<b>Subsidiaries:</b>	Consist ITU Environmental Software GmbH, Hamburg TeamWork GmbH, Kiel

**Consist Software Solutions GmbH**  
A Consist World Group Company

Falklandstrasse 1-3, 24159 Kiel, Germany  
P.O. Box 93 28, 24152 Kiel, Germany

Press Contact:  
Petra Sauer-Wolfgramm

Phone: +49 (0)4 31 / 39 93 - 525  
Fax: +49 (0)4 31 / 39 93 - 999  
E-mail: sauer-wolfgramm@consist.de  
Internet: www.consist.de/www/en/press

Company location: Kiel  
HRB Kiel No. 3983

Management:  
Daniel Ries  
Martin Lochte-Holtgreven