

Data Protection and the Blended Working Environment

The Chartered Institute of Personnel and Development (CIPD) recently commented that “a wide range of research indicates that after the pandemic the majority of workers want to continue working from home at least some of the time, presenting new opportunities for organisations to establish new ways of working”. That coupled with the Government’s plans to extend the right to flexible working, highlights the potential issues small and medium size businesses might face with putting in place the necessary flexibilities whilst at the same time meeting their responsibilities under data protection legislation. This short article seeks to highlight some of those potential issues, which now should be seen as the norm rather than short term matters when ad hoc solutions might have been appropriate.

Technical issues for home working

Some of the following might be pertinent for you:

- Do you allow employees to use their own devices, or must they use a business sourced or approved device? If the former then do you have a position on the security systems, including updates, used on personal devices, and what sort of devices are acceptable to your business?
- What provisions have you in place for more general remote working, such as at cafes etc.?
- What standards might you insist on in terms of home Broadband, Wi Fi passwords, or, more generally, high secure passwords? or
- What approach should be adopted for remote access to office systems, such as two or multifactor authentication?

Non-technical issues for home working

In a similar vein are any of the following worthy of follow up action.

- What sort of restrictions might you want to have in place for home working in terms of security? A paperless approach maybe or securable storage, or access to a private space if practicable?
- Some are suggesting that close working proximity to “Alexa” style devices should be avoided; is that relevant to your business?
- Or is there work that is too sensitive to be carried out away from the office environment, for example, sensitive HR files or cases, future sales campaigns etc.?
- And finally, what sort of written policies have you in place to help you and your teams work safely, efficiently and effectively with homeworking, and at the same time demonstrate proportionate compliance with the data protection framework within which we all operate?

The above lists are not meant to be exhaustive but rather to act as a light touch trigger or aide memoire for you to consider how your business might need to react to the newish world of blended working environments, and at the same time meet your data protection responsibilities. If you would like to discuss any of the above issues in more detail or need any help in responding to the issues raised, then please feel free to contact us:

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