

The Impact of Digitalization on the Fundamental Rights of Public Employees in Spain

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Abstract. Some studies have reported on the negative impact of the digitalization on people's fundamental rights. In this work, we address the evaluation of the impact of digitalization on the fundamental rights of public employees in Spain. Specifically, its **objective** is threefold. Firstly, it aims to gather and analyse general information on the relevance of digitalization, its priority, its degree of development and on the difficulties in its implementation. Secondly, it analyses its impact on communications and on the right to one's own image, on the protection of personal data and on the right to disconnection. Thirdly, it assess the new occupational risks (physical and psychosocial) it entails.

Methodology (phases): 1) Literature review, 2) Personal interviews, 3) Delphi-Consultation with experts (professionals from public institutions). Data: 9 interviewees from 7 public institutions.

Main results:

- a) Generic aspects of digitalization. High relevance. Priority differs between areas,. Level of development is not homogeneous in all its dimensions. Insufficient qualification of the staff and resistance to the new rules and/or procedures.
- b) Digital identity and use of digital/electronic devices. Medium-high degree of development of the regulation on restrictions to private use in terms of the use of corporate e-mail, mobile phone and computer. High degree of implementation of protocols/codes of conduct for good use ("good practices"). However, the existence of such codes does not correspond to their awareness by public employees. Monitoring and control of work activity is very scarce, if not non-existent. High degree of development of access filters in the case of the corporate computer, especially for security reasons.
- c) Personal data of public employees. It is not very frequent that the employee is informed about the type of information that is collected, the objective, the method used, the place where this information will be stored, as well as the time period until its destruction... Low implementation of ISO 27002 and ISO 27001, although there are significant differences. Greater degree of development in processing of personal data. However, the level of implementation of protocols and systems for data protection is higher than their knowledge by the public employees.
- d) Occupational risks derived from digitalisation (only those allegedly resulting from the digital transformation in the workplace). There is still much room for development.
- e) Future actions. Prior legal consultation, raising the awareness of employees and collective bargaining.

Conclusions. The pace of adaptation to the new digital environment and its consequences on the rights of their employees is not uniform. Full adaptation will have to be achieved through process re-engineering to consolidate an organisation and framework of actions in line with the new social and

regulatory requirements. The adaptation of processes should include communication actions to all employees, with the aim of combining the framework of procedural and structural actions and their acceptance by all employees. Precisely, together with the framework of legislation, it will be necessary to raise awareness among public employees of the assimilation of the rights and obligations posed by the new digital environment, which will require adequate leadership and communication.

Keywords: digitalization, fundamental rights, public employees, Spain