

Rt Hon. Liam Byrne  
Chair – Business and Trade Select Committee  
House of Commons  
London  
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Sent via email only to: [commonsbtc@parliament.uk](mailto:commonsbtc@parliament.uk)

21 December 2023

Dear Rt Hon. Liam Byrne,

I write further to the Information Commissioner's letter of 17 May 2023 to the previous Chair of the Committee on the issue of Royal Mail's use of Postal Digital Assistance devices (PDAs). Following the Committee's recommendation, we have engaged with Royal Mail to understand more about its use of personal information in employee monitoring.

## **Royal Mail**

The ICO undertook a scoping exercise with Royal Mail to establish whether the concerns raised by the Committee merited a full investigation. Following this engagement with Royal Mail about its use of personal information on PDAs, we have concluded that there is insufficient evidence of misuse of personal information to warrant further investigation at this time.

Our scoping work looked at a number of factors key to an organisation demonstrating compliance when monitoring employee data. Firstly, the use of personal information needs to be lawful, fair and transparent. This includes telling those affected about how their information is used and collected, identifying a lawful basis (a legal reason) to use personal information and ensuring that the use of information is necessary and proportionate. We are satisfied that Royal Mail have identified and can rely on a lawful basis to use personal information on PDAs and have taken a number of steps to inform their employees about its use.

There are significant controls in place around the use of PDAs, which make the use of information more likely to be proportionate and

necessary, as opposed the use of this information being unchecked or used without direction. There is also staff training in place to prevent misuse at local levels or deviation from central policy, as well as a complaints process for employees.

Finally, we understand that, following these concerns being raised by the Committee, Royal Mail has taken further steps to ensure its staff are informed on how PDAs should be used in accordance with its policies. Due to the above, we do not intend to pursue a further investigation at this time, however should further evidence come to light which suggests Royal Mail is not complying with its data protection obligations then we will reconsider this issue.

Royal Mail have also been engaging with the ICO in relation to their future plans for its use of employee information, and have responded positively to our feedback.

## **Employee Monitoring**

In October, the ICO published guidance to help employers fully comply with data protection law if they wish to monitor their workers<sup>1</sup>.

New research commissioned by the ICO reveals that almost one in five (19%) people believe that they have been monitored by an employer. If monitoring becomes excessive, it can easily intrude into people's private lives and undermine their privacy. Over two thirds (70%) of people surveyed by the ICO said they would find monitoring in the workplace intrusive and fewer than one in five (19%) people would feel comfortable taking a new job if they knew that their employer would be monitoring them.

Aimed at employers across both the public and private sector, the new guidance provides clear direction on how monitoring can be conducted lawfully and fairly. As well as outlining legal requirements, it also includes good practice advice to help employers build trust with their workers and respect their rights to privacy.

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<sup>1</sup> [Employment practices and data protection – Monitoring workers | ICO](#)

Monitoring can include tracking calls, messages and keystrokes, taking screenshots, webcam footage or audio recordings, or using specialist monitoring software to track activity.

The guidance provides an overview of how data protection law applies to the processing of personal data for monitoring workers. It also considers specific types of monitoring practices, including the use of biometric data to monitor timekeeping and attendance.

We hope the guidance, and our research on employee attitudes to monitoring, will prove of interest to the committee and demonstrate our commitment to enable employers to use personal information effectively and to safeguard employees from unlawful practices.

If the committee has any questions about our consideration of Royal Mail's use of PDAs, or our wider work on employee monitoring then please do not hesitate to get in touch.

Yours sincerely

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