

# CONDITIONS FOR INTRODUCING VIDEO SURVEILLANCE IN THE WORKPLACE

## And the Consequences of Unlawful Surveillance

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Video surveillance is an increasingly common method of securing premises and assets for both individuals and companies. This raises the question of lawful video surveillance, not only from the perspective of the technical installation of cameras (regulated by the Law on Private Security) but also from the perspective of personal data protection (regulated by the Law on Personal Data Protection). For employers, video surveillance serves as a tool for protecting business premises and property, but also as a means of monitoring employee performance.

This makes it crucial that surveillance is implemented in full compliance with applicable regulations, both to ensure that the recorded footage may be lawfully used, and to protect companies from sanctions arising from unlawful monitoring.

## Legal Requirements for Installing and Using Video Surveillance

Before video surveillance is installed, a company must regulate the following through internal acts:

- the location and number of cameras,
- the portion of the business premises covered by the cameras,
- the retention period for video recordings, and
- the purpose or reasons for installing video surveillance.

The most common **purpose** is the protection of business premises and assets, as well as the safety of individuals present on the premises. In practice, companies often cite legitimate interest as an additional basis for video surveillance. However, to prevent misuse of personal data collected through surveillance, legitimate interest must be specifically justified.

Video surveillance must be **installed by a company that holds the appropriate license** to perform such activities. The Law on Private Security allows a company to install its own video surveillance system by obtaining a special license for self-protection activities, but this often creates additional administrative and financial burdens for companies whose core business is not private security. For this reason, engaging a licensed security provider is typically the more practical approach.

## Personal Data Protection

From the perspective of protecting employees' personal data collected through video surveillance, the Law on Private Security explicitly **prohibits the transfer or public disclosure of data collected by video surveillance, unless otherwise prescribed** by law or contract (e.g., data provided to the Ministry of Interior during preliminary investigative procedures).

**Employees must be informed**, in a clear and transparent manner, that the premises are under video surveillance, and they must receive information about the contact details of the person responsible for handling the data collected through surveillance.

An employee (as the data subject) has the right to request access to the collected data, which includes the right to view, read, and listen to the information, take notes, and (at their own expense) obtain copies of the data (photocopy, audio copy, video copy, digital copy, etc.) in the format in which the information exists. The employee may also request correction or deletion of data, provided that a lawful basis for such request exists.

The employer, as well as security officers and stewards, are required to treat all data collected through video surveillance as confidential. This duty continues even after they stop performing such activities or after their engagement with the employer ends, until the expiry of the legally prescribed retention period.

### Consequences of Unlawful Video Surveillance

In cases of unlawful video surveillance, companies and their responsible persons may face:

- **Misdemeanor liability**, due to non-compliance with the provisions of both the Law on Private Security and the Law on Personal Data Protection;
- **Inability to use the recordings** as evidence in judicial or disciplinary proceedings, as such recordings would be considered unlawfully obtained;
- **Potential legal actions initiated by data subjects** (persons captured on the recordings) seeking judicial protection of their rights, due to violations of rights guaranteed under the Law on Personal Data Protection.

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