

# Diversity Monitoring Survey Checklist - Americas



1. In your jurisdiction, is an employer permitted to request data for the purposes of monitoring diversity?

2. In what form is it permitted to capture the data?

3. What data is permitted to be captured?

4. How should the data be stored and accessed?

5. Are there time limits on retention of data?

6. Are there any other specific rules which apply? eg relating to intra-group cross-border transfers of such data

7. Any other comments

## Argentina

Zang, Bergel & Vines

No

N/A

N/A

*Storage*

N/A

N/A

N/A

N/A

*Access to underlying data*

N/A

## Bolivia

C.R & F. Rojas

No

N/A

N/A

*Storage*

N/A

N/A

The collection of data for diversity monitoring is not common practice in Bolivia, it may provide grounds to discrimination liability.

N/A

*Access to underlying data*

N/A

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## Brazil

Lobo de Rizzo Advogados

Yes – applicants and employees

- By individual's name
- Anonymised
- Pseudonymised
- Survey conducted by a third party, employer would see only aggregated data

- Gender
- Sexual orientation
- Ethnic origin
- Religion
- Disability
- Age
- Socioeconomic status
- Social mobility
- Familial/Parental status

### *Storage*

Must be stored separately from other data.

### *Access to underlying data*

- Only designated employees
- Third party engaged to collect and process data

Yes. Up to the end of the purpose of the personal data.

A case-by-case analysis may be necessary due to the provisions under the Brazilian General Data Protection Law, which provides for requirements to collect and process sensitive personal data, such as the individuals' authorization depending on the type of data requested.

Yes, diversity surveys conducted by employers became common in Brazil because of several organizations conducting DE&I programs. These surveys are considered important for employers to justify affirmative actions, for instance, concerning hiring opportunities for unrepresented groups, in case one alleges discrimination against members of represented groups in a specific organization.

## British Virgin Islands

Mourant

Yes – applicants and employees

- By individual's name

- Gender
- Sexual orientation
- Ethnic origin
- Disability
- Age

### *Storage*

No restrictions on where data are stored.

### *Access to underlying data*

- Only designated employees

Yes. Retention policy is 6 months for job applications and unsuccessful CVs and 10 years following termination of employment for everything else.

No restrictions. Data may be transferred outside of EEA but organisations must make sure there is safeguarding in place when the data is transferred and that they let the employees know about this data.

N/A

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7. Any other comments

## Cayman Islands

Mourant

Yes – applicants and employees

•By individual's name

•Gender  
•Sexual orientation  
•Ethnic origin  
•Disability  
•Age

*Storage*

No restrictions on where data are stored.

*Access to underlying data*

•Only designated employees

Yes. Retention policy is 6 months for job applications and unsuccessful CVs and 10 years following termination of employment for everything else.

No restrictions. Data may be transferred outside of EEA but organisations must make sure there is safeguarding in place when the data is transferred and that they let the employees know about this data.

N/A

## Chile

Urenda, Rencoret, Orrego & Dörr

Yes – applicants and employees

•By individual's name  
•Anonymised  
•Pseudonymised  
•Survey conducted by a third party, employer would see only aggregated data

•Gender  
•Sexual orientation  
•Ethnic origin  
•Religion  
•Disability  
•Age  
•Social mobility  
•Familial/Parental status

*Storage*

Must be stored separately from other data.

*Access to underlying data*

•Only employer or only designated employees of HR department

No. A person may request the elimination of the data if it is outdated, or its storage no longer has legal grounds.

None.

Diversity surveys are rare in Chile. Diversity monitoring may entail accusations of discrimination, which is quite serious, and the storage of sensitive data implies an important reserve responsibility, which is why it is not always advisable to carry out such a process unless it is extremely necessary, or the company can ensure the control of all associated risks.

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## Colombia

Parra Rodríguez Abogados

Yes – applicants and employees

•By individual's name

- Gender
- Ethnic origin
- Religion
- Age
- Socioeconomic status
- Social mobility
- Familial/Parental status

### Storage

No restrictions on where data are stored.

### Access to underlying data

- Only designated employees
- The persons authorized in the authorization for the processing of personal data

No

Yes, if a data transfer takes place, there must be a data transfer agreement between the companies. In addition, the data processing authorisation must mention this issue.

Surveys are common. The authority may impose sanctions for non-compliance with the rules on the processing of personal data.

## Costa Rica

Lexincorp

Yes – applicants and employees

•Anonymised

- Gender
- Disability
- Age
- Social mobility
- Familial/Parental status

### Storage

Must be stored separately from other data.

### Access to underlying data

- Only designated employees

Yes, two years

There must be an express authorization, and its due assignment to share data with other companies, whether or not they are related.

This information is considered sensitive and its unrestricted collection is prohibited.

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7. Any other comments

## Mexico

Gonzalez Calvillo

Yes – applicants and employees

•By individual's name

- Gender
- Sexual orientation
- Ethnic origin
- Religion
- Disability
- Age
- Socioeconomic status
- Social mobility
- Familial/Parental status

### *Storage*

Must be stored separately from other data.

### *Access to underlying data*

- Only designated employees

Yes. Per the employer's retention policy, which has to comply with specific period and quality requirements set forth in law.

The employer needs to ensure that various conditions are met, including that: (i) the data cannot be used to discriminate, promote, hire or fire employees/ applicants; and (ii) the data's processing purposes are justified per the terms of Mexican data protection laws.

Some companies carry out these type of surveys, but many prefer not to due to the complexity of their implementation.

### Disclaimer:

The information in the Multilaw Checklist for Monitoring Staff Data provides a general overview at the time of publication and is not intended to be a comprehensive review of all legal developments nor should it be taken as opinion or legal advice on the matters covered. It is for general information purposes only and readers should take legal advice from a Multilaw member firm.

# Diversity Monitoring Survey Checklist - United States



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## Alaska

Miller Nash

Yes – applicants and employees	<ul style="list-style-type: none"> <li>•By individual’s name</li> <li>•Anonymised</li> <li>•Pseudonymised</li> <li>•Survey conducted by a third party, employer would see only aggregated data</li> </ul>	<ul style="list-style-type: none"> <li>•Gender</li> <li>•Sexual orientation</li> <li>•Ethnic origin</li> <li>•Religion</li> <li>•Disability</li> <li>•Age</li> <li>•Socioeconomic status</li> <li>•Social mobility</li> <li>•Familial/Parental status</li> </ul>	<p><i>Storage</i></p> <p>Must be stored separately from other data.</p> <p><i>Access to underlying data</i></p> <p>Only designated employees</p>	No	Federal law requires all large employers (100+ employees) to collect and report race/ethnicity and gender data. There are also special rules which apply in cases involving affirmative action.	N/A
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## Arizona

Polsinelli

Yes – applicants and employees	<ul style="list-style-type: none"> <li>•By individual’s name</li> <li>•Anonymised</li> </ul>	<ul style="list-style-type: none"> <li>•Gender</li> <li>•Sexual orientation</li> <li>•Ethnic origin</li> <li>•Religion</li> <li>•Disability</li> <li>•Age</li> <li>•Socioeconomic status</li> <li>•Social mobility</li> <li>•Familial/Parental status</li> <li>•Employers are not prohibited from requesting that employees voluntarily provide any diversity information that the employee may be willing to share and which may be relevant to the employer’s diversity and inclusion efforts; however, this information cannot be used as the basis for any employment decisions.</li> </ul>	<p><i>Storage</i></p> <p>Must be stored separately from other data.</p> <p><i>Access to underlying data</i></p> <p>Only designated employees</p>	Yes. Data must be maintained for at least one year following an employee’s separation from employment.	Federal law requires all large employers (100+ employees) to collect and report race/ethnicity and gender data. There are also special rules which apply in cases involving affirmative action.	Diversity surveys are common and well accepted; provided that they are conducted on a voluntary basis.
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## California

Polsinelli

No	N/A	N/A	<p><i>Storage</i></p> <p>N/A</p> <p><i>Access to underlying data</i></p> <p>N/A</p>	N/A	<p>Federal law requires all large employers (100+ employees) to collect and report race/ethnicity and gender data. There are also special rules which apply in cases involving affirmative action.</p>	<p>The Fair Employment and Housing Act (FEHA) prohibits any non-job-related inquiries of applicants or employees, either verbally or through the use of an application form, that express directly or indirectly a limitation, specification or discrimination as to race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, age, sex, sexual orientation, gender identity or expression, military or veteran status.</p>
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6. Are there any other specific rules which apply? eg relating to intra-group cross-border transfers of such data

7. Any other comments

## Colorado

## Polsinelli

Yes – applicants and employees

- By individual's name
- Anonymised

- Gender
- Sexual orientation
- Ethnic origin
- Religion
- Disability
- Age
- Socioeconomic status
- Social mobility
- Familial/Parental status
- Employers are not prohibited from requesting that employees voluntarily provide any diversity information that the employee may be willing to share and which may be relevant to the employer's diversity and inclusion efforts; however, this information cannot be used as the basis for any employment decisions.

### *Storage*

Must be stored separately from other data.

### *Access to underlying data*

Only designated employees

Yes. Data must be maintained for at least one year following an employee's separation from employment.

Federal law requires all large employers (100+ employees) to collect and report race/ethnicity and gender data. There are also special rules which apply in cases involving affirmative action.

Diversity surveys are common and well accepted; provided that they are conducted on a voluntary basis.



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7. Any other comments

## Florida

Holland & Knight

Yes – applicants and employees

- By individual's name
- Anonymised
- Pseudonymised
- Survey conducted by a third party, employer would see only aggregated data

- Gender
- Sexual orientation
- Ethnic origin
- Religion
- Disability
- Age
- Socioeconomic status
- Social mobility
- Familial/Parental status

### Storage

No restrictions on where data are stored.

### Access to underlying data

Only designated employees

No

Federal law requires all large employers (100+ employees) to collect and report race/ethnicity and gender data. There are also special rules which apply in cases involving affirmative action.

Diversity surveys are common.

## Georgia

Holland & Knight

Yes – applicants and employees

- By individual's name
- Anonymised
- Pseudonymised
- Survey conducted by a third party, employer would see only aggregated data

- Gender
- Sexual orientation
- Ethnic origin
- Religion
- Disability
- Age
- Socioeconomic status
- Social mobility
- Familial/Parental status

### Storage

No restrictions on where data are stored.

### Access to underlying data

No restrictions.

No

Federal law requires all large employers (100+ employees) to collect and report race/ethnicity and gender data. There are also special rules which apply in cases involving affirmative action.

N/A

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## Illinois

Duane Morris

Yes – applicants and employees	Anonymised	<ul style="list-style-type: none"> <li>•Gender</li> <li>•Sexual orientation</li> <li>•Ethnic origin</li> <li>•Disability</li> </ul>	<p><i>Storage</i></p> <p>Must be stored separately from other data.</p> <p><i>Access to underlying data</i></p> <p>Only designated employees</p>	Yes. A minimum of 3 years.	Federal law requires all large employers (100+ employees) to collect and report race/ethnicity and gender data. There are also special rules which apply in cases involving affirmative action.	Diversity surveys are common.
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## Kansas

Polsinelli

Yes – applicants and employees	<ul style="list-style-type: none"> <li>•By individual's name</li> <li>•Anonymised</li> </ul>	<ul style="list-style-type: none"> <li>•Gender</li> <li>•Sexual orientation</li> <li>•Ethnic origin</li> <li>•Religion</li> <li>•Disability</li> <li>•Age</li> <li>•Socioeconomic status</li> <li>•Social mobility</li> <li>•Familial/Parental status</li> <li>•Employers are not prohibited from requesting that employees voluntarily provide any diversity information that the employee may be willing to share and which may be relevant to the employer's diversity and inclusion efforts; however, this information cannot be used as the basis for any employment decisions.</li> </ul>	<p><i>Storage</i></p> <p>Must be stored separately from other data.</p> <p><i>Access to underlying data</i></p> <p>Only designated employees</p>	Yes. Data must be maintained for at least one year following an employee's separation from employment.	Federal law requires all large employers (100+ employees) to collect and report race/ethnicity and gender data. There are also special rules which apply in cases involving affirmative action.	Diversity surveys are common and well accepted; provided that they are conducted on a voluntary basis.
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## Maryland

Duane Morris

Yes – applicants and employees	Anonymised	<ul style="list-style-type: none"> <li>•Gender</li> <li>•Sexual orientation</li> <li>•Ethnic origin</li> <li>•Disability</li> </ul>	<p><i>Storage</i></p> <p>Must be stored separately from other data.</p> <p><i>Access to underlying data</i></p> <p>Only designated employees</p>	Yes. A minimum of 3 years.	Federal law requires all large employers (100+ employees) to collect and report race/ethnicity and gender data. There are also special rules which apply in cases involving affirmative action.	Diversity surveys are common.
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## Minnesota

Lathrop GPM

Yes – employees only	By individual's name	<ul style="list-style-type: none"> <li>•Gender</li> <li>•Ethnic origin</li> </ul>	<p><i>Storage</i></p> <p>No restrictions on where data are stored.</p> <p><i>Access to underlying data</i></p> <p>Only designated employees</p>	No	Federal law requires all large employers (100+ employees) to collect and report race/ethnicity and gender data. There are also special rules which apply in cases involving affirmative action.	N/A
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## Missouri

## Polsinelli

Yes – applicants and employees

- By individual's name
- Anonymised

- Gender
- Sexual orientation
- Ethnic origin
- Religion
- Disability
- Age
- Socioeconomic status
- Social mobility
- Familial/Parental status
- Employers are not prohibited from requesting that employees voluntarily provide any diversity information that the employee may be willing to share and which may be relevant to the employer's diversity and inclusion efforts; however, this information cannot be used as the basis for any employment decisions.

### *Storage*

Must be stored separately from other data.

### *Access to underlying data*

Only designated employees

Yes. Data must be maintained for at least one year following an employee's separation from employment.

Federal law requires all large employers (100+ employees) to collect and report race/ethnicity and gender data. There are also special rules which apply in cases involving affirmative action.

Diversity surveys are common and well accepted; provided that they are conducted on a voluntary basis.

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## New Jersey

Duane Morris

Yes – applicants and employees	Anonymised	<ul style="list-style-type: none"> <li>•Gender</li> <li>•Sexual orientation</li> <li>•Ethnic origin</li> <li>•Disability</li> </ul>	<p><i>Storage</i></p> <p>Must be stored separately from other data.</p> <p><i>Access to underlying data</i></p> <p>Only designated employees</p>	Yes. A minimum of 3 years.	Federal law requires all large employers (100+ employees) to collect and report race/ethnicity and gender data. There are also special rules which apply in cases involving affirmative action.	Diversity surveys are common.
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## New York

Holland & Knight

<ul style="list-style-type: none"> <li>•Yes – applicants and employees</li> <li>•Only on a voluntary basis that specifies it is voluntary.</li> </ul>	<ul style="list-style-type: none"> <li>•By individual's name</li> <li>•Anonymised</li> <li>•Pseudonymised</li> <li>•Survey conducted by a third party, employer would see only aggregated data</li> </ul>	<ul style="list-style-type: none"> <li>•Gender</li> <li>•Sexual orientation</li> <li>•Ethnic origin</li> <li>•Religion</li> <li>•Disability</li> <li>•Age</li> <li>•Socioeconomic status</li> <li>•Social mobility</li> <li>•Any and all information gathered in this area would have to be done purely on a voluntary basis. It is not recommended to gather information on familial or parental status.</li> </ul>	<p><i>Storage</i></p> <p>Must be stored separately from other data.</p> <p><i>Access to underlying data</i></p> <p>Only designated employees</p>	Yes, although the precise length is not clear under state law which simply requires that data must be disposed of within “a reasonable amount of time”.	It is not clear under state law. No NY-specific laws on cross-border data transfers. Federal law requires all large employers (100+ employees) to collect and report race/ethnicity and gender data. There are also special rules which apply in cases involving affirmative action.	Any and all information gathered in this area would have to be done purely on a voluntary basis and nothing other than race, gender, sexual orientation, national origin, disability, and current or former military status can be gathered.
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## Oregon

Miller Nash

Yes – applicants and employees	<ul style="list-style-type: none"> <li>•By individual’s name</li> <li>•Anonymised</li> <li>•Pseudonymised</li> <li>•Survey conducted by a third party, employer would see only aggregated data</li> </ul>	<ul style="list-style-type: none"> <li>•Gender</li> <li>•Sexual orientation</li> <li>•Ethnic origin</li> <li>•Religion</li> <li>•Disability</li> <li>•Age</li> <li>•Socioeconomic status</li> <li>•Social mobility</li> <li>•Familial/Parental status</li> </ul>	<p><i>Storage</i></p> <p>No restrictions on where data are stored.</p> <p><i>Access to underlying data</i></p> <p>Only designated employees</p>	No	Federal law requires all large employers (100+ employees) to collect and report race/ethnicity and gender data. There are also special rules which apply in cases involving affirmative action.	There are restrictions on the types of questions employers can ask when hiring an applicant, and information employers can require employees to provide. Employees should not be required to disclose: protected class status, salary/pay history, credit history, current employment status; and criminal convictions.
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## Pennsylvania

Duane Morris

Yes – applicants and employees	Anonymised	<ul style="list-style-type: none"> <li>•Gender</li> <li>•Sexual orientation</li> <li>•Ethnic origin</li> <li>•Disability</li> </ul>	<p><i>Storage</i></p> <p>Must be stored separately from other data.</p> <p><i>Access to underlying data</i></p> <p>Only designated employees</p>	Yes. A minimum of 3 years.	Federal law requires all large employers (100+ employees) to collect and report race/ethnicity and gender data. There are also special rules which apply in cases involving affirmative action.	Diversity surveys are common.
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## Texas

Carrington Coleman

Yes – applicants and employees	<ul style="list-style-type: none"> <li>•By individual's name</li> <li>•Anonymised</li> <li>•Pseudonymised</li> <li>•Survey conducted by a third party, employer would see only aggregated data</li> </ul>	<ul style="list-style-type: none"> <li>•Gender</li> <li>•Sexual orientation</li> <li>•Ethnic origin</li> <li>•Religion</li> <li>•Disability</li> <li>•Age</li> <li>•Socioeconomic status</li> <li>•Social mobility</li> <li>•Familial/Parental status</li> </ul>	<p><i>Storage</i></p> <p>Must be stored separately from other data.</p> <p><i>Access to underlying data</i></p> <p>Only designated employees</p>	Yes. In general, private employers must retain personnel and employment records for one year.	Federal law requires all large employers (100+ employees) to collect and report race/ethnicity and gender data. There are also special rules which apply in cases involving affirmative action.	Employers should consider keeping results anonymous to encourage employees to answer truthfully.
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## Washington

Miller Nash

Yes – applicants and employees	<ul style="list-style-type: none"> <li>•By individual's name</li> <li>•Anonymised</li> <li>•Pseudonymised</li> <li>•Survey conducted by a third party, employer would see only aggregated data</li> </ul>	<ul style="list-style-type: none"> <li>•Gender</li> <li>•Sexual orientation</li> <li>•Ethnic origin</li> <li>•Religion</li> <li>•Disability</li> <li>•Age</li> <li>•Socioeconomic status</li> <li>•Social mobility</li> <li>•Familial/Parental status</li> </ul>	<p><i>Storage</i></p> <p>Must be stored separately from other data.</p> <p><i>Access to underlying data</i></p> <ul style="list-style-type: none"> <li>•Only designated employees</li> <li>•Washington law requires that the data be stored in a manner accessible only on a need to know basis.</li> </ul>	<ul style="list-style-type: none"> <li>•Yes</li> <li>•EEO Data Forms should be retained for the period of termination plus 3 years. WA is less restrictive so best practice is to follow the federal guidelines.</li> </ul>	Federal law requires all large employers (100+ employees) to collect and report race/ethnicity and gender data. There are also special rules which apply in cases involving affirmative action.	N/A
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## Washington D.C.

Lathrop GPM

Yes – employees only	By individual's name	<ul style="list-style-type: none"> <li>•Gender</li> <li>•Ethnic origin</li> </ul>	<p><i>Storage</i></p> <p>No restrictions on where data are stored.</p> <p><i>Access to underlying data</i></p> <p>Only designated employees</p>	Yes. Minimum of three years or the prevailing federal standard.	Federal law requires all large employers (100+ employees) to collect and report race/ethnicity and gender data. There are also special rules which apply in cases involving affirmative action.	N/A
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## Wisconsin

Lathrop GPM

Yes – employees only	By individual's name	<ul style="list-style-type: none"> <li>•Gender</li> <li>•Sexual orientation</li> <li>•Ethnic origin</li> <li>•Religion</li> <li>•Disability</li> <li>•Age</li> <li>•Familial/Parental status</li> </ul>	<p><i>Storage</i></p> <p>No restrictions on where data are stored.</p> <p><i>Access to underlying data</i></p> <p>Only designated employees</p>	Yes. Minimum of three years.	Federal law requires all large employers (100+ employees) to collect and report race/ethnicity and gender data. There are also special rules which apply in cases involving affirmative action.	N/A
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### Disclaimer:

The information in the Multilaw Checklist for Monitoring Staff Data provides a general overview at the time of publication and is not intended to be a comprehensive review of all legal developments nor should it be taken as opinion or legal advice on the matters covered. It is for general information purposes only and readers should take legal advice from a Multilaw member firm.



# Diversity Monitoring Survey Checklist - Canada



1. In your jurisdiction, is an employer permitted to request data for the purposes of monitoring diversity?	2. In what form is it permitted to capture the data?	3. What data is permitted to be captured?	4. How should the data be stored and accessed?	5. Are there time limits on retention of data?	6. Are there any other specific rules which apply? eg relating to intra-group cross-border transfers of such data	7. Any other comments
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## Federal

Yes – applicants and employees	<ul style="list-style-type: none"> <li>•Anonymised</li> <li>•Pseudonymised</li> <li>•Survey conducted by a third party, employer would see only aggregated data</li> </ul>	<ul style="list-style-type: none"> <li>•Gender</li> <li>•Sexual orientation</li> <li>•Ethnic origin</li> <li>•Religion</li> <li>•Disability</li> <li>•Age</li> <li>•Socioeconomic status</li> <li>•Social mobility</li> <li>•Familial/Parental status</li> <li>• Any other – please specify: race, national or ethnic origin, sex, place of origin, colour, citizenship, education, ancestry, nationality, gender expression, gender identity, creed, record of offences, genetic characteristics, conviction for an offence for which a pardon has been granted</li> </ul>	<p><i>Storage</i></p> <p>Must be stored separately from other data.</p> <p><i>Access to underlying data</i></p> <p>Only designated employees</p>	Yes, data can only be kept for as long as necessary for the purposes for which it was collected.	Organizations should notify individuals if their information will be sent to another jurisdiction for processing, and that once their information is transferred it could be accessed by law enforcement agencies, courts or national security authorities of that jurisdiction.	<p>The collection of data from employees in the workplace to monitor diversity and equity is encouraged as a best practice in Canada to promote human rights equality and equity and to prevent or address systemic barriers to access opportunities and to address discrimination in the workplace. Diversity and Inclusion surveys are becoming increasingly more common amongst employers and diversity and inclusion are becoming more common considerations in the selection of suppliers.</p> <p>Federal works, undertakings or businesses may be required to collect some of this data pursuant to employment equity legislation and/or to promote equality, equity, remove systemic barriers and prevent systemic discrimination in the workplace.</p> <p>Public sector employers may be subject to additional legislation surrounding the collection, use and disclosure of such information.</p>
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# Diversity Monitoring Survey Checklist - Canada



1. In your jurisdiction, is an employer permitted to request data for the purposes of monitoring diversity?	2. In what form is it permitted to capture the data?	3. What data is permitted to be captured?	4. How should the data be stored and accessed?	5. Are there time limits on retention of data?	6. Are there any other specific rules which apply? eg relating to intra-group cross-border transfers of such data	7. Any other comments
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## Alberta

Yes – applicants and employees	<ul style="list-style-type: none"> <li>•Anonymised</li> <li>•Pseudonymised</li> <li>•Survey conducted by a third party, employer would see only aggregated data</li> </ul>	<ul style="list-style-type: none"> <li>•Gender</li> <li>•Sexual orientation</li> <li>•Ethnic origin</li> <li>•Religion</li> <li>•Disability</li> <li>•Age</li> <li>•Socioeconomic status</li> <li>•Social mobility</li> <li>•Familial/Parental status</li> <li>• Any other – please specify: race, sex, place of origin, colour, citizenship, education, ancestry, nationality, gender expression, gender identity, creed, record of offences</li> </ul>	<p><i>Storage</i></p> <p>Must be stored separately from other data.</p> <p><i>Access to underlying data</i></p> <p>Only designated employees</p>	Yes, data can only be kept for as long as necessary for the purposes for which it was collected.	There are no other specific rules.	See under Federal.
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## British Columbia

Yes – applicants and employees	<ul style="list-style-type: none"> <li>•Anonymised</li> <li>•Pseudonymised</li> <li>•Survey conducted by a third party, employer would see only aggregated data</li> </ul>	<ul style="list-style-type: none"> <li>•Gender</li> <li>•Sexual orientation</li> <li>•Ethnic origin</li> <li>•Religion</li> <li>•Disability</li> <li>•Age</li> <li>•Socioeconomic status</li> <li>•Social mobility</li> <li>•Familial/Parental status</li> <li>• Any other – please specify: race, sex, place of origin, colour, citizenship, education, ancestry, nationality, gender expression, gender identity, creed, record of offences</li> </ul>	<p><i>Storage</i></p> <p>Must be stored separately from other data.</p> <p><i>Access to underlying data</i></p> <p>Only designated employees</p>	Yes, data can only be kept for as long as necessary for the purposes for which it was collected.	There are no other specific rules.	See under Federal.
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# Diversity Monitoring Survey Checklist - Canada



1. In your jurisdiction, is an employer permitted to request data for the purposes of monitoring diversity?	2. In what form is it permitted to capture the data?	3. What data is permitted to be captured?	4. How should the data be stored and accessed?	5. Are there time limits on retention of data?	6. Are there any other specific rules which apply? eg relating to intra-group cross-border transfers of such data	7. Any other comments
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## Ontario

Yes – applicants and employees	<ul style="list-style-type: none"> <li>•Anonymised</li> <li>•Pseudonymised</li> <li>•Survey conducted by a third party, employer would see only aggregated data</li> </ul>	<ul style="list-style-type: none"> <li>•Gender</li> <li>•Sexual orientation</li> <li>•Ethnic origin</li> <li>•Religion</li> <li>•Disability</li> <li>•Age</li> <li>•Socioeconomic status</li> <li>•Social mobility</li> <li>•Familial/Parental status</li> <li>• Any other – please specify: race, sex, place of origin, colour, citizenship, education, ancestry, nationality, gender expression, gender identity, creed, record of offences</li> </ul>	<p><i>Storage</i></p> <p>Must be stored separately from other data.</p> <p><i>Access to underlying data</i></p> <p>Only designated employees</p>	Yes, data can only be kept for as long as necessary for the purposes for which it was collected.	There are no other specific rules.	See under Federal.
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## Quebec

Yes – applicants and employees	<ul style="list-style-type: none"> <li>•Anonymised</li> <li>•Pseudonymised</li> <li>•Survey conducted by a third party, employer would see only aggregated data</li> </ul>	<ul style="list-style-type: none"> <li>•Gender</li> <li>•Sexual orientation</li> <li>•Ethnic origin</li> <li>•Religion</li> <li>•Disability</li> <li>•Age</li> <li>•Socioeconomic status</li> <li>•Social mobility</li> <li>•Familial/Parental status</li> <li>• Any other – please specify: race, sex, place of origin, colour, citizenship, education, ancestry, nationality, gender expression, gender identity, creed, record of offences</li> </ul>	<p><i>Storage</i></p> <p>Must be stored separately from other data.</p> <p><i>Access to underlying data</i></p> <p>Only designated employees</p>	Yes, data can only be kept for as long as necessary for the purposes for which it was collected.	There are no other specific rules.	See under Federal.
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# Diversity Monitoring Survey Checklist - Canada



1. In your jurisdiction, is an employer permitted to request data for the purposes of monitoring diversity?	2. In what form is it permitted to capture the data?	3. What data is permitted to be captured?	4. How should the data be stored and accessed?	5. Are there time limits on retention of data?	6. Are there any other specific rules which apply? eg relating to intra-group cross-border transfers of such data	7. Any other comments
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## Saskatchewan

Yes – applicants and employees	<ul style="list-style-type: none"> <li>•Anonymised</li> <li>•Pseudonymised</li> <li>•Survey conducted by a third party, employer would see only aggregated data</li> </ul>	<ul style="list-style-type: none"> <li>•Gender</li> <li>•Sexual orientation</li> <li>•Ethnic origin</li> <li>•Religion</li> <li>•Disability</li> <li>•Age</li> <li>•Socioeconomic status</li> <li>•Social mobility</li> <li>•Familial/Parental status</li> <li>• Any other – please specify: race, sex, place of origin, colour, citizenship, education, ancestry, nationality, gender expression, gender identity, creed, record of offences</li> </ul>	<p><i>Storage</i></p> <p>Must be stored separately from other data.</p> <p><i>Access to underlying data</i></p> <p>Only designated employees</p>	Yes, data can only be kept for as long as necessary for the purposes for which it was collected.	There are no other specific rules.	See under Federal.
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Answers provided by [Miller Thomson LLP](#) and [Shibley Righton LLP](#)

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# Diversity Monitoring Survey Checklist - Asia Pacific Region



1. In your jurisdiction, is an employer permitted to request data for the purposes of monitoring diversity?	2. In what form is it permitted to capture the data?	3. What data is permitted to be captured?	4. How should the data be stored and accessed?	5. Are there time limits on retention of data?	6. Are there any other specific rules which apply? eg relating to intra-group cross-border transfers of such data	7. Any other comments
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## Australia

Macpherson Kelley

Yes – employees only	<ul style="list-style-type: none"> <li>•By individual's name</li> <li>•Anonymised</li> <li>•Pseudonymised</li> <li>•Survey conducted by a third party, employer would see only aggregated data</li> </ul>	<ul style="list-style-type: none"> <li>•Gender</li> <li>•Sexual orientation</li> <li>•Ethnic origin</li> <li>•Religion</li> <li>•Disability</li> <li>•Age</li> <li>•Socioeconomic status</li> <li>•Social mobility</li> <li>•Familial/Parental status</li> </ul>	<p><i>Storage</i></p> <p>Must be stored separately from other data.</p> <p><i>Access to underlying data</i></p> <ul style="list-style-type: none"> <li>•Only designated employees</li> <li>•Potentially others as needed but only with consent and appropriate disclosures.</li> </ul>	Yes. When it is no longer necessary or required for the (lawful) purpose for which it was collected.	There may be an ability to share data across borders, especially amongst entities within a corporate group, but there are a number of restrictions and exemptions (at both State and Federal level) which need to be considered and, if permissible, steps to be taken that will depend on the type of data.	The conduct of diversity surveys should be carefully considered in both its planning and implementation. There needs to be a permissible purpose and collecting, using and holding this type of data does bring risk.
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## China

JunHe

Yes – applicants and employees	<ul style="list-style-type: none"> <li>•By individual's name</li> <li>•Anonymised</li> <li>•Pseudonymised</li> <li>•Survey conducted by a third party, employer would see only aggregated data</li> </ul>	<ul style="list-style-type: none"> <li>•Gender</li> <li>•Sexual orientation</li> <li>•Ethnic origin</li> <li>•Religion</li> <li>•Disability</li> <li>•Age</li> <li>•Socioeconomic status</li> <li>•Social mobility</li> <li>•Familial/Parental status</li> </ul>	<p><i>Storage</i></p> <p>Must be stored separately from other data.</p> <p><i>Access to underlying data</i></p> <ul style="list-style-type: none"> <li>•Only designated employees</li> </ul>	Yes. Reasonable time for the processing of the information.	Collection and retention must comply with requirements of the Personal Information Protection Law	It is not common for such types of information to be collected. Attempts by an employer may be interpreted as an invasion of privacy and/or queries as to the motives of the employer for collecting the information.
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# Diversity Monitoring Survey Checklist - Asia Pacific Region



1. In your jurisdiction, is an employer permitted to request data for the purposes of monitoring diversity?	2. In what form is it permitted to capture the data?	3. What data is permitted to be captured?	4. How should the data be stored and accessed?	5. Are there time limits on retention of data?	6. Are there any other specific rules which apply? eg relating to intra-group cross-border transfers of such data	7. Any other comments
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## Cambodia

Tilleke & Gibbins

Yes – applicants and employees	<ul style="list-style-type: none"> <li>•By individual's name</li> <li>•Anonymised</li> <li>•Pseudonymised</li> <li>•Survey conducted by a third party, employer would see only aggregated data</li> </ul>	<ul style="list-style-type: none"> <li>•Gender</li> <li>•Sexual orientation</li> <li>•Ethnic origin</li> <li>•Religion</li> <li>•Disability</li> <li>•Age</li> <li>•Socioeconomic status</li> <li>•Social mobility</li> <li>•Familial/Parental status</li> </ul>	<p><i>Storage</i></p> <p>No restrictions on where data are stored.</p> <p><i>Access to underlying data</i></p> <ul style="list-style-type: none"> <li>•All employees</li> <li>•Any party can have access to the data, provided the employee has provided his/her prior informed and written consent to this party having access.</li> </ul>	No	There are no specific restrictions on transferring data out of the jurisdiction, but regard should be had to the requirements of the general data protection framework in Cambodia.	Diversity surveys are not common in Cambodia; however, their use would not contravene Cambodian law.
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# Diversity Monitoring Survey Checklist - Asia Pacific Region



1. In your jurisdiction, is an employer permitted to request data for the purposes of monitoring diversity?

2. In what form is it permitted to capture the data?

3. What data is permitted to be captured?

4. How should the data be stored and accessed?

5. Are there time limits on retention of data?

6. Are there any other specific rules which apply? eg relating to intra-group cross-border transfers of such data

7. Any other comments

## Hong Kong

Howse Williams

Yes – applicants and employees

- By individual's name
- Anonymised
- Pseudonymised
- Survey conducted by a third party, employer would see only aggregated data

- Gender
- Sexual orientation
- Ethnic origin
- Religion
- Disability
- Age
- Socioeconomic status
- Social mobility
- Familial/Parental status

### *Storage*

Must be stored separately from other data.

### *Access to underlying data*

- Access is restricted to those classes of people whom the data subject has provided express consent. The data subject may also access his/her own personal data with a data access request.

Yes. Personal data should not be kept longer than is necessary for the fulfillment of the purpose for which the data is used, unless erasure is prohibited by law or is not in the public interest.

Legislation to prohibit the transfer of data outside of Hong Kong (unless certain conditions are met) has been issued but is not yet in force. Nevertheless, businesses are advised to implement policies which reflect its requirements.

Diversity surveys are not common because of the restrictive nature of Hong Kong privacy and anti-discrimination laws.

# Diversity Monitoring Survey Checklist - Asia Pacific Region



1. In your jurisdiction, is an employer permitted to request data for the purposes of monitoring diversity?	2. In what form is it permitted to capture the data?	3. What data is permitted to be captured?	4. How should the data be stored and accessed?	5. Are there time limits on retention of data?	6. Are there any other specific rules which apply? eg relating to intra-group cross-border transfers of such data	7. Any other comments
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## India

Kochhar & Co

Yes – applicants and employees	<ul style="list-style-type: none"> <li>•By individual's name</li> <li>•Anonymised</li> <li>•Pseudonymised</li> </ul>	<ul style="list-style-type: none"> <li>•Gender</li> <li>•Sexual orientation</li> <li>•Ethnic origin</li> <li>•Religion</li> <li>•Disability</li> <li>•Age</li> <li>•Socioeconomic status</li> <li>•Social mobility</li> <li>•Familial/Parental status</li> <li>•While it is not legally restricted, it is not usual for employers in India to seek data related to sexual orientation and socioeconomic status.</li> </ul>	<p><i>Storage</i></p> <p>No restrictions on where data are stored.</p> <p><i>Access to underlying data</i></p> <ul style="list-style-type: none"> <li>•Only designated employees</li> </ul>	No. While no specific time limits are mentioned, the applicable regulations provide that sensitive personal information should be retained only for such duration as necessarily required.	There are no specific rules, but appropriate security measures should be implemented to ensure confidentiality of data, and consent is also likely to be required.	In the recent past, the aspect of diversity has gained the attention of employers in India (especially Indian subsidiaries of foreign MNCs) and some entities have initiated surveys to collect data on diversity.
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## Japan

Ushijima & Partners

Yes – applicants and employees	<ul style="list-style-type: none"> <li>•By individual's name</li> <li>•Anonymised</li> <li>•Pseudonymised</li> <li>•Survey conducted by a third party, employer would see only aggregated data</li> </ul>	<ul style="list-style-type: none"> <li>•Gender</li> <li>•Age</li> <li>•Socioeconomic status</li> <li>•Familial/Parental status</li> <li>Gender, age, socioeconomic status and familial/parental status do not fall under personal information unless acquiring name as well, and therefore there is no regulation.</li> </ul>	<p><i>Storage</i></p> <p>Must be stored separately from other data.</p> <p><i>Access to underlying data</i></p> <ul style="list-style-type: none"> <li>•Only designated employees</li> </ul>	Yes - data should be deleted as soon as it is no longer required.	Cross-border transfers of such data needs the consent of the data subject, in principle.	Diversity surveys are rare in this jurisdiction.
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# Diversity Monitoring Survey Checklist - Asia Pacific Region



1. In your jurisdiction, is an employer permitted to request data for the purposes of monitoring diversity?	2. In what form is it permitted to capture the data?	3. What data is permitted to be captured?	4. How should the data be stored and accessed?	5. Are there time limits on retention of data?	6. Are there any other specific rules which apply? eg relating to intra-group cross-border transfers of such data	7. Any other comments
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## Laos

Tilleke & Gibbins

Yes – employees only	•Anonymised	<ul style="list-style-type: none"> <li>•Gender</li> <li>•Age</li> <li>•Socioeconomic status</li> <li>•Social mobility</li> <li>•Familial/Parental status</li> </ul>	<p><i>Storage</i></p> <p>No restrictions on where data are stored.</p> <p><i>Access to underlying data</i></p> <ul style="list-style-type: none"> <li>•Only designated employees</li> </ul>	Yes. The data must be kept according to the purpose for which it was collected.	No.	It is rather common; however, the law on electronic data collection remains ambiguous and subject to broad interpretation in this regard. Accordingly, it is important to ensure that consent was given prior to the collection of data.
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## Myanmar

Tilleke & Gibbins

Yes – employees only	•By individual's name	<ul style="list-style-type: none"> <li>•Gender</li> <li>•Ethnic origin</li> <li>•Religion</li> <li>•Disability</li> <li>•Age</li> <li>•Socioeconomic status</li> <li>•Familial/Parental status</li> </ul> <p>In addition to the above selections, employee data regarding educational background is generally permitted to be captured by employers.</p>	<p><i>Storage</i></p> <p>No restrictions on where data are stored.</p> <p><i>Access to underlying data</i></p> <ul style="list-style-type: none"> <li>•Only designated employees</li> </ul>	No. The ETL does not specify the time limits on retention of data.	Transfer of data requires the data subject's consent.	In Myanmar, diversity surveys are very rare, and issuing them is not a well-developed practice.
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# Diversity Monitoring Survey Checklist - Asia Pacific Region



1. In your jurisdiction, is an employer permitted to request data for the purposes of monitoring diversity?	2. In what form is it permitted to capture the data?	3. What data is permitted to be captured?	4. How should the data be stored and accessed?	5. Are there time limits on retention of data?	6. Are there any other specific rules which apply? eg relating to intra-group cross-border transfers of such data	7. Any other comments
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## New Zealand

Tompkins Wake

Yes – employees only	<ul style="list-style-type: none"> <li>•Anonymised</li> <li>•Pseudonymised</li> <li>•Survey conducted by a third party, employer would see only aggregated data</li> </ul>	<ul style="list-style-type: none"> <li>•Gender</li> <li>•Sexual orientation</li> <li>•Ethnic origin</li> <li>•Religion</li> <li>•Disability</li> <li>•Age</li> <li>•Socioeconomic status</li> <li>•Social mobility</li> <li>•Familial/Parental status</li> </ul>	<p><i>Storage</i></p> <p>No restrictions on where data are stored. Data must be stored securely.</p> <p><i>Access to underlying data</i></p> <ul style="list-style-type: none"> <li>•Only designated employees</li> </ul>	No	Cross-border transfers are permitted provided the receiving country has comparable legal safeguards for data.	Data should not be collected for any purpose that could be considered discriminatory. Diversity surveys are not commonplace in New Zealand but are sometimes utilised in the public sector and in larger privately owned workplaces.
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## Philippines

SyCip Salazar Hernandez & Gatmaitan

No	N/A	N/A	<p><i>Storage</i></p> <p>N/A</p> <p><i>Access to underlying data</i></p> <p>N/A</p>	N/A	N/A	Collecting diversity information should be undertaken with great care in the Philippines. While there has been some acceptance of minority sectors, there are still sections within Philippine society that may have generally negative views towards certain minority sectors. For examples, the Philippines is a largely Catholic country, and there remain to be some prejudices against the LGBTQIA+ which may make them hesitate in responding truthfully to diversity surveys.
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# Diversity Monitoring Survey Checklist - Asia Pacific Region



1. In your jurisdiction, is an employer permitted to request data for the purposes of monitoring diversity?	2. In what form is it permitted to capture the data?	3. What data is permitted to be captured?	4. How should the data be stored and accessed?	5. Are there time limits on retention of data?	6. Are there any other specific rules which apply? eg relating to intra-group cross-border transfers of such data	7. Any other comments
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## Singapore

Quahe Woo and Palmer

Yes – applicants and employees	<ul style="list-style-type: none"> <li>•By individual's name</li> <li>•Anonymised</li> <li>•Pseudonymised</li> <li>•Survey conducted by a third party, employer would see only aggregated data</li> </ul>	<ul style="list-style-type: none"> <li>•Gender</li> <li>•Sexual orientation</li> <li>•Ethnic origin</li> <li>•Religion</li> <li>•Disability</li> <li>•Age</li> <li>•Socioeconomic status</li> <li>•Social mobility</li> <li>•Familial/Parental status</li> <li>•Any other data that is appropriate in the circumstances and purposes for which the survey is being conducted, and to which the person providing the data has consented.</li> </ul>	<p><i>Storage</i></p> <p>Must be stored separately from other data.</p> <p><i>Access to underlying data</i></p> <ul style="list-style-type: none"> <li>•Only designated employees</li> <li>•Individuals who have provided their personal data must also have access to their own personal data.</li> </ul>	Yes. The time limit is determined by reasonableness. The data cannot be retained longer than what is reasonably necessary for the purpose that such data was collected.	Data can be transferred outside Singapore, but the same data protection requirements must still apply to the data.	<p>Although personal data may be collected with consent of the employee or applicant, the Tripartite Guidelines on Fair Employment Practices recommends removing fields on age, gender, race, religion, marital status, family responsibilities, disability and mental health status in job application forms. If information that may be viewed as discriminatory is required, reasons for collecting such information should be clearly stated.</p> <p>The Ministry of Manpower regularly conducts diversity monitoring and has provided a Diversity Management Assessment for free-use, though this does not require the disclosure of any specific personal data of employees. Regardless, there is no available information on the frequency of diversity surveys conducted in Singapore.</p>
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# Diversity Monitoring Survey Checklist - Asia Pacific Region



1. In your jurisdiction, is an employer permitted to request data for the purposes of monitoring diversity?	2. In what form is it permitted to capture the data?	3. What data is permitted to be captured?	4. How should the data be stored and accessed?	5. Are there time limits on retention of data?	6. Are there any other specific rules which apply? eg relating to intra-group cross-border transfers of such data	7. Any other comments
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## Thailand

Tilleke & Gibbins

Yes – applicants and employees	<ul style="list-style-type: none"> <li>•By individual’s name</li> <li>•Anonymised</li> <li>•Pseudonymised</li> <li>•Survey conducted by a third party, employer would see only aggregated data</li> </ul>	<ul style="list-style-type: none"> <li>•Gender</li> <li>•Sexual orientation</li> <li>•Ethnic origin</li> <li>•Religion</li> <li>•Disability</li> <li>•Age</li> <li>•Socioeconomic status</li> <li>•Social mobility</li> <li>•Familial/Parental status</li> </ul>	<p><i>Storage</i></p> <p>No restrictions on where data are stored.</p> <p><i>Access to underlying data</i></p> <ul style="list-style-type: none"> <li>•Only designated employees</li> </ul>	Yes, since 1 June 2022 - data can only be retained for so long as it remains necessary to do so.	Data transfer is freely permitted where the destination country has “adequate personal data protection standards” in place. Transfers to other countries that do not have adequate personal data protection standards may still be permitted in certain circumstances (for example, transfers within group companies or affiliates that have an intra-group policy specifically approved by the Office of the PDPC).	Diversity surveys are not common in Thailand, except for organisations that have head offices, affiliates, or branches outside Thailand.
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# Diversity Monitoring Survey Checklist - Asia Pacific Region



1. In your jurisdiction, is an employer permitted to request data for the purposes of monitoring diversity?	2. In what form is it permitted to capture the data?	3. What data is permitted to be captured?	4. How should the data be stored and accessed?	5. Are there time limits on retention of data?	6. Are there any other specific rules which apply? eg relating to intra-group cross-border transfers of such data	7. Any other comments
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## Vietnam

Tilleke & Gibbins

Yes – applicants and employees	<ul style="list-style-type: none"> <li>•By individual's name</li> <li>•Anonymised</li> <li>•Pseudonymised</li> <li>•Survey conducted by a third party, employer would see only aggregated data</li> </ul>	<ul style="list-style-type: none"> <li>•Gender</li> <li>•Sexual orientation</li> <li>•Ethnic origin</li> <li>•Religion</li> <li>•Disability</li> <li>•Age</li> <li>•Socioeconomic status</li> <li>•Social mobility</li> <li>•Familial/Parental status</li> <li>•Any data can be captured provided the employer obtains the employee's prior informed written consent.</li> </ul>	<p><i>Storage</i></p> <p>No restrictions on where data are stored.</p> <p><i>Access to underlying data</i></p> <ul style="list-style-type: none"> <li>•All employees</li> <li>•Any party can have access to the data, provided the employee has provided his/her prior informed and written consent to this party having access.</li> </ul>	No	Currently, no restrictions provided the employee provides consent to intra-group cross-border data. However, there is a Draft Decree on Personal Data Protection which will impose significant restrictions if passed.	Diversity surveys are rare because of the concerns that data may be used improperly/ for discriminatory purposes.
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### Disclaimer:

The information in the Multilaw Checklist for Monitoring Staff Data provides a general overview at the time of publication and is not intended to be a comprehensive review of all legal developments nor should it be taken as opinion or legal advice on the matters covered. It is for general information purposes only and readers should take legal advice from a Multilaw member firm.

# Diversity Monitoring Survey Checklist - EMEA Region



1. In your jurisdiction, is an employer permitted to request data for the purposes of monitoring diversity?	2. In what form is it permitted to capture the data?	3. What data is permitted to be captured?	4. How should the data be stored and accessed?	5. Are there time limits on retention of data?	6. Are there any other specific rules which apply? eg relating to intra-group cross-border transfers of such data	7. Any other comments
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## Austria

Herbst Kinsky

Yes – applicants and employees	<ul style="list-style-type: none"> <li>•By individual's name</li> <li>•Anonymised</li> </ul>	<ul style="list-style-type: none"> <li>•Gender</li> <li>•Religion</li> <li>•Disability</li> <li>•Age</li> <li>•Socioeconomic status</li> <li>•Familial/Parental status</li> </ul>	<p><i>Storage</i></p> <p>Must be stored separately from other data.</p> <p><i>Access to underlying data</i></p> <ul style="list-style-type: none"> <li>•Only designated employees</li> </ul>	Yes. For applicants 6 plus 1 months, none for employees.	No if data transfer occurs pursuant to EU General Data Protection Regulation.	Still rare.
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## Belgium

van Cutsem Wittamer Marnef & Partners

No	N/A	N/A	<p><i>Storage</i></p> <p>N/A</p> <p><i>Access to underlying data</i></p> <p>N/A</p>	N/A	N/A	Processing (sensitive) personal data for diversity purposes is not allowed under Belgian law, as a principle. There exists an exception in Brussels only by virtue of a Decree of the Brussels Government dated May 7, 2009.
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# Diversity Monitoring Survey Checklist - EMEA Region



1. In your jurisdiction, is an employer permitted to request data for the purposes of monitoring diversity?	2. In what form is it permitted to capture the data?	3. What data is permitted to be captured?	4. How should the data be stored and accessed?	5. Are there time limits on retention of data?	6. Are there any other specific rules which apply? eg relating to intra-group cross-border transfers of such data	7. Any other comments
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## Bosnia and Herzegovina

Karanovic & Partners in cooperation with local lawyers

No	N/A	N/A	<p><i>Storage</i></p> <p>N/A</p> <p><i>Access to underlying data</i></p> <p>N/A</p>	N/A	N/A	Employers are prohibited from collecting or processing data which is not directly relevant to the specific post. As a consequence, it is generally not possible to conduct diversity surveys.
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## Croatia

Ilej & Partners in cooperation with Karanovic & Partners

Yes – applicants and employees	•Anonymised	<ul style="list-style-type: none"> <li>•Gender</li> <li>•Sexual orientation</li> <li>•Ethnic origin</li> <li>•Religion</li> <li>•Disability</li> <li>•Age</li> <li>•Socioeconomic status</li> <li>•Social mobility</li> <li>•Familial/Parental status</li> </ul>	<p><i>Storage</i></p> <p>No restrictions on where data are stored.</p> <p><i>Access to underlying data</i></p> <ul style="list-style-type: none"> <li>•Only designated employees</li> </ul>	No	N/A	N/A
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# Diversity Monitoring Survey Checklist - EMEA Region



1. In your jurisdiction, is an employer permitted to request data for the purposes of monitoring diversity?	2. In what form is it permitted to capture the data?	3. What data is permitted to be captured?	4. How should the data be stored and accessed?	5. Are there time limits on retention of data?	6. Are there any other specific rules which apply? eg relating to intra-group cross-border transfers of such data	7. Any other comments
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Cyprus Michael Kyprianou & Co

No	N/A	N/A	<p><i>Storage</i></p> <p>N/A</p> <p><i>Access to underlying data</i></p> <p>N/A</p>	N/A	N/A	N/A
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Czech Republic Rowan Legal

Yes – applicants and employees	<ul style="list-style-type: none"> <li>•By individual's name</li> <li>•Anonymised</li> <li>•Pseudonymised</li> <li>•Survey conducted by a third party, employer would see only aggregated data</li> </ul>	<ul style="list-style-type: none"> <li>•Gender</li> <li>•Disability</li> <li>•Age</li> <li>•Social mobility</li> <li>•The law is silent about the data that are permitted to be captured for diversity monitoring. However, the Czech Labour Code expressly prohibits the employer from collection of data about pregnancy, family and socio-economic situation, sexual orientation, origin, membership in trade union organization or political party or movement, religion or confession, unimpeachability (clean criminal record).</li> </ul>	<p><i>Storage</i></p> <p>Must be stored separately from other data.</p> <p><i>Access to underlying data</i></p> <ul style="list-style-type: none"> <li>•Only designated employees</li> <li>•If anonymised, those data might be available without any restrictions.</li> </ul>	Yes. In general, the data retention period shall not be longer than necessary	Employer should collect DPIA, because in case of disability employer will process special category of personal data about their employees. Additional obligations arise when data are transferred outside the EEA, an adequate level of protection under GDPR must be ensured.	In Czech Republic diversity surveys are rather rare.
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# Diversity Monitoring Survey Checklist - EMEA Region



1. In your jurisdiction, is an employer permitted to request data for the purposes of monitoring diversity?

2. In what form is it permitted to capture the data?

3. What data is permitted to be captured?

4. How should the data be stored and accessed?

5. Are there time limits on retention of data?

6. Are there any other specific rules which apply? eg relating to intra-group cross-border transfers of such data

7. Any other comments

Denmark

Advokatgruppen

No

N/A

N/A

*Storage*

N/A

N/A

N/A

N/A

*Access to underlying data*

N/A

France

Racine Avocats

No

N/A

N/A

*Storage*

N/A

N/A

N/A

N/A

*Access to underlying data*

N/A

# Diversity Monitoring Survey Checklist - EMEA Region



1. In your jurisdiction, is an employer permitted to request data for the purposes of monitoring diversity?	2. In what form is it permitted to capture the data?	3. What data is permitted to be captured?	4. How should the data be stored and accessed?	5. Are there time limits on retention of data?	6. Are there any other specific rules which apply? eg relating to intra-group cross-border transfers of such data	7. Any other comments
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## Germany

Yes – applicants and employees

### Heussen

•Anonymised

- Gender
- Sexual orientation
- Ethnic origin
- Religion
- Disability
- Age
- Socioeconomic status
- Social mobility
- Familial/Parental status
- Exception: data on disability can be captured by individuals name (employees only) after 6 months of service.

*Storage*  
Must be stored separately from other data.

*Access to underlying data*  
•Only designated employees

Yes. Data should be kept for no longer than is needed. It is suggested that the data be retained during the course of employment (assuming this is needed for ongoing analysis and that consent has not been withdrawn at any point) and a period of no more than 1 year following the termination of employment to allow any final analysis to be carried out.

In Germany no additional safeguards have to be in place to support a data transfer into the UK with an adequacy decision being in place. This adequacy decision has only to be mentioned in the privacy notice. For data storage and processing by US providers additional safeguards have to be in place such as the conclusion of Standard Data Protection Clauses. This has to be mentioned in the privacy notice. With the Schrems 2 judgement additional security measures have to be in place to support the Standard Data Protection Clauses.

In Germany, there is sensitivity about databases where physical, cultural and ethnical distinctions including detailed information about sexual preferences are systematically collected and stored. It is also unusual in Germany to ask about socio-economic status. In general, it is recommended that the communication with German employees should be carefully planned including explaining the purpose of the project and its worldwide scope, why the data is required and making it clear that the data will never be used for hiring/firing/promotion purposes.

# Diversity Monitoring Survey Checklist - EMEA Region



1. In your jurisdiction, is an employer permitted to request data for the purposes of monitoring diversity?	2. In what form is it permitted to capture the data?	3. What data is permitted to be captured?	4. How should the data be stored and accessed?	5. Are there time limits on retention of data?	6. Are there any other specific rules which apply? eg relating to intra-group cross-border transfers of such data	7. Any other comments
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Greece

Kelemenis & Co

Yes – employees only	•By individual's name	<ul style="list-style-type: none"> <li>•Gender</li> <li>•Ethnic origin</li> <li>•Religion</li> <li>•Disability</li> <li>•Age</li> <li>•Familial/Parental status</li> <li>•These are sensitive private data and EU and local (as transposed) rules apply.</li> </ul>	<p><i>Storage</i></p> <p>Must be stored separately from other data.</p> <p><i>Access to underlying data</i></p> <ul style="list-style-type: none"> <li>•All employees</li> <li>•An employee may access the data maintained by the employer and relating to him/her; not to other employees</li> </ul>	Yes	The GDPR regulation is the guide for retention and processing.	Diversity surveys are not common. Any processing should follow GDPR rules.
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# Diversity Monitoring Survey Checklist - EMEA Region



1. In your jurisdiction, is an employer permitted to request data for the purposes of monitoring diversity?

2. In what form is it permitted to capture the data?

3. What data is permitted to be captured?

4. How should the data be stored and accessed?

5. Are there time limits on retention of data?

6. Are there any other specific rules which apply? eg relating to intra-group cross-border transfers of such data

7. Any other comments

## Italy

Jenny Avvocati

Yes – applicants and employees

- By individual's name
- Anonymised
- Pseudonymised
- Survey conducted by a third party, employer would see only aggregated data

- Gender
- Ethnic origin
- Disability
- Age
- Social mobility
- Familial/Parental status

### *Storage*

No restrictions on where data are stored.

### *Access to underlying data*

- Only designated authorised persons (may be employees), storage must comply with the GDPR.

Yes. Time limit to be assessed based on the principles set by the GDPR.

Limits to the processing set by Law 300/1970 i.e. prohibition to investigate (i) on employees' opinions (so that no religious, political or philosophical beliefs can be monitored) and (ii) on facts that are irrelevant for the assessment of the professional aptitude of the worker  
Monitoring of disability is permitted in relation to the minimum quotas of disabled employees set by law.

Albeit uncommon, diversity monitoring is not prohibited as such, provided that the data processing is proportionate and carried out for legitimate purposes.

# Diversity Monitoring Survey Checklist - EMEA Region



1. In your jurisdiction, is an employer permitted to request data for the purposes of monitoring diversity?	2. In what form is it permitted to capture the data?	3. What data is permitted to be captured?	4. How should the data be stored and accessed?	5. Are there time limits on retention of data?	6. Are there any other specific rules which apply? eg relating to intra-group cross-border transfers of such data	7. Any other comments
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## Ireland

Philip Lee LLP

Yes – applicants and employees	<ul style="list-style-type: none"> <li>•Anonymised</li> </ul>	<ul style="list-style-type: none"> <li>•Gender</li> <li>•Sexual orientation</li> <li>•Ethnic origin</li> <li>•Religion</li> <li>•Disability</li> <li>•Age</li> <li>•Socioeconomic status</li> <li>•Social mobility</li> <li>•Familial/Parental status</li> </ul>	<p><i>Storage</i></p> <p>Must be stored separately from other data.</p> <p><i>Access to underlying data</i></p> <ul style="list-style-type: none"> <li>•Only designated employees</li> </ul>	Yes. Data can only be kept for as long as necessary to meet the purpose for processing.	From a data protection perspective, the rules on international transfers of personal data would apply.	Diversity surveys are not commonly employed in Ireland. Among other things, an employer may not wish to put itself on notice that an employee falls within a particular category. By way of a straightforward example, an employer may not wish to put itself on notice that an employee has a disability - once an employer does this, any decision (such as to dismiss) could be challenged for discriminatory reasons. The same applies to varying degrees to the other categories (although, obviously, some are self-evident).
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# Diversity Monitoring Survey Checklist - EMEA Region



1. In your jurisdiction, is an employer permitted to request data for the purposes of monitoring diversity?	2. In what form is it permitted to capture the data?	3. What data is permitted to be captured?	4. How should the data be stored and accessed?	5. Are there time limits on retention of data?	6. Are there any other specific rules which apply? eg relating to intra-group cross-border transfers of such data	7. Any other comments
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## Luxembourg

Kleyr Grasso

Yes – applicants and employees	•Anonymised	<ul style="list-style-type: none"> <li>•Gender</li> <li>•Sexual orientation</li> <li>•Ethnic origin</li> <li>•Religion</li> <li>•Disability</li> <li>•Age</li> <li>•Socioeconomic status</li> <li>•Social mobility</li> <li>•Familial/Parental status</li> </ul>	<p><i>Storage</i></p> <p>No restrictions on where data are stored.</p> <p><i>Access to underlying data</i></p> <ul style="list-style-type: none"> <li>•Only designated employees</li> </ul>	No. As only anonymised data can be collected and treated, there is no limit to the retention of anonymised data.	No restriction as the data is anonymised.	<p>The employer must provide the staff delegation and the equality delegate every six months gender-disaggregated statistics on the recruitment, promotions, employee transfers, dismissals, remuneration and vocational training (article L. 414-3 (2) of the Labour Code).</p> <p>Such surveys are not market practice but can happen if a Luxembourg company is part of an international group.</p>
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## Montenegro

Karanovic & Partners in cooperation with local lawyers

Yes – employees only	•Anonymised	<ul style="list-style-type: none"> <li>•Gender</li> <li>•Age</li> </ul>	<p><i>Storage</i></p> <p>No restrictions on where data are stored.</p> <p><i>Access to underlying data</i></p> <ul style="list-style-type: none"> <li>•Only designated employees except for statistical data on gender based equality which is public.</li> </ul>	No	No other specific rules apply where the data is collected/ further processed in an anonymised form.	<p>Collection of additional data is not common and might be interpreted as intrusion to privacy of employees.</p> <p>Generally speaking, when conducting diversity surveys, the employer should always bear in mind that each act of processing (including the survey process) must comply with the rules of the Montenegrin Law on Protection of Personal Data (unless where the data is rendered anonymous).</p>
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# Diversity Monitoring Survey Checklist - EMEA Region



1. In your jurisdiction, is an employer permitted to request data for the purposes of monitoring diversity?	2. In what form is it permitted to capture the data?	3. What data is permitted to be captured?	4. How should the data be stored and accessed?	5. Are there time limits on retention of data?	6. Are there any other specific rules which apply? eg relating to intra-group cross-border transfers of such data	7. Any other comments
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## Netherlands

Bosselaar Strengers

Yes – employees only	<ul style="list-style-type: none"> <li>•Anonymised</li> <li>•Pseudonymised</li> </ul>	<ul style="list-style-type: none"> <li>•Gender</li> <li>•Sexual orientation</li> <li>•Ethnic origin</li> <li>•Disability</li> <li>•Age</li> </ul>	<p><i>Storage</i></p> <p>Must be stored separately from other data.</p> <p><i>Access to underlying data</i></p> <ul style="list-style-type: none"> <li>•Only designated employees</li> </ul>	No	<p>Within the EU the GDPR applies. Outside the EU an appropriate level (to compare with GDPR) of protection has to be guaranteed. The European Commission has a list of countries that have an appropriate level of protection. Another possibility is a set of corporate binding rules that apply within the group and that are compliant with the GDPR.</p>	<p>In the Netherlands diversity surveys are encouraged by the government. The Social Economic Board (SER) has established a Diversity Charter (<a href="https://www.ser.nl/nl/thema/diversiteitinbedrijf/english/diversity-charter">https://www.ser.nl/nl/thema/diversiteitinbedrijf/english/diversity-charter</a>). A company can become a member of the Charter Diversity (at no cost) and membership gives access to support and a relevant network.</p>
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# Diversity Monitoring Survey Checklist - EMEA Region



1. In your jurisdiction, is an employer permitted to request data for the purposes of monitoring diversity?	2. In what form is it permitted to capture the data?	3. What data is permitted to be captured?	4. How should the data be stored and accessed?	5. Are there time limits on retention of data?	6. Are there any other specific rules which apply? eg relating to intra-group cross-border transfers of such data	7. Any other comments
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North Macedonia Karanovic & Partners in cooperation with local lawyers

Yes – applicants and employees	•Anonymised	<ul style="list-style-type: none"> <li>•Gender</li> <li>•Sexual orientation</li> <li>•Ethnic origin</li> <li>•Religion</li> <li>•Disability</li> <li>•Age</li> <li>•Socioeconomic status</li> <li>•Social mobility</li> </ul>	<p><i>Storage</i></p> <p>No restrictions on where data are stored.</p> <p><i>Access to underlying data</i></p> <ul style="list-style-type: none"> <li>•Only designated employees</li> </ul>	No	Anonymised data would no longer be considered as personal data, so local regulation on cross-border data transfers shall not apply.	<p>Please note that employers in general are not allowed to require employees to provide data on the family: marital status and family planning. Any provision of data of the aforementioned types should be on purely voluntary basis and the employer may not oblige data subject to provide these data, regardless whether it is anonymous or not. In addition, it would be uncommon for our market to collect data on sexual orientation, social mobility and socioeconomic status. Anonymized data would not be considered as personal data and would not fall under the data protection regime. Local legislation is harmonised with the GDPR in that respect. Therefore, employers are strongly advised to avoid processing of sensitive categories of personal data, unless there is a valid legal ground for such processing.</p>
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# Diversity Monitoring Survey Checklist - EMEA Region



1. In your jurisdiction, is an employer permitted to request data for the purposes of monitoring diversity?	2. In what form is it permitted to capture the data?	3. What data is permitted to be captured?	4. How should the data be stored and accessed?	5. Are there time limits on retention of data?	6. Are there any other specific rules which apply? eg relating to intra-group cross-border transfers of such data	7. Any other comments
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## Northern Ireland

Millar McCall Wylie

Yes – applicants and employees	•Anonymised	•Gender •Religion	<p><i>Storage</i></p> <p>Must be stored separately from other data.</p> <p><i>Access to underlying data</i></p> <p>•Only designated employees</p>	No	General UK GDPR rules apply. Consequently, as individuals should not be identifiable from the data, there will normally be no restrictions on the transfer of those data.	NI has specific legislation in place (Fair Employment and Treatment (NI) Order 1998 and the Fair Employment (Monitoring) Regulations (NI) 1999 which regulates the monitoring of employees, applicants, apprentices and, in certain cases, promotees and leavers. One duty created by the legislation is to carry out an Article 55 Review every 3 years to determine if one section of society is being excluded from employment and, in that case, to take pro-active steps to rectify the issue.
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# Diversity Monitoring Survey Checklist - EMEA Region



1. In your jurisdiction, is an employer permitted to request data for the purposes of monitoring diversity?	2. In what form is it permitted to capture the data?	3. What data is permitted to be captured?	4. How should the data be stored and accessed?	5. Are there time limits on retention of data?	6. Are there any other specific rules which apply? eg relating to intra-group cross-border transfers of such data	7. Any other comments
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## Poland

WKB Wiercinski, Kwiecinski, Baehr

Yes – applicants and employees	<ul style="list-style-type: none"> <li>•Anonymised</li> <li>•Pseudonymised</li> <li>•Survey conducted by a third party, employer would see only aggregated data</li> </ul>	<ul style="list-style-type: none"> <li>•Gender</li> <li>•Sexual orientation</li> <li>•Ethnic origin</li> <li>•Religion</li> <li>•Disability</li> <li>•Age</li> <li>•Socioeconomic status</li> <li>•Social mobility</li> <li>•Familial/Parental status</li> </ul>	<p><i>Storage</i></p> <p>Must be stored separately from other data.</p> <p><i>Access to underlying data</i></p> <ul style="list-style-type: none"> <li>•Only designated employees</li> </ul>	No. There is no prescribed retention period in respect of the processing of diversity data in Poland. Standard GDPR principles apply. However, please note that there is no clear guideline of case law in this regard.	Under the Polish Labour Code, it is permissible to process special categories of personal data of a candidate or an employee only if data are provided on the employee's or candidate's own initiative. It is considered that even informing about a possibility to provide data (e.g. informing about the possibility to participate in diversity monitoring) may be qualified as obtaining data on the employer initiative rather than on employee's or candidate's own initiative.	Risk for obtaining data on gender is considered to be low. Risk of obtaining other diversity data categorised as special categories of data considered to be medium. It is still possible to notify employees and candidates about the analysis, but with strong safeguards to mitigate the risks. Also, due to the imbalance of power between employer and employee or candidate, it is considered to be very difficult to meet the requirement of a "freely given" consent as required by the GDPR.
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## Portugal

Abreu Advogados

Yes – applicants and employees	<ul style="list-style-type: none"> <li>•Anonymised</li> </ul>	<ul style="list-style-type: none"> <li>•Gender</li> <li>•Sexual orientation</li> <li>•Ethnic origin</li> <li>•Religion</li> <li>•Disability</li> <li>•Age</li> <li>•Socioeconomic status</li> <li>•Social mobility</li> <li>•Familial/Parental status</li> </ul>	<p><i>Storage</i></p> <p>Must be stored separately from other data.</p> <p><i>Access to underlying data</i></p> <ul style="list-style-type: none"> <li>•Only designated employees</li> </ul>	Yes. As a rule 1 year after contract termination.	A GDPR intra-group mechanism must be followed.	Diversity surveys are rare and may only be conducted on an anonymised and strictly voluntary basis. The only diversity data that may be collected during recruitment - due to compliance with applicable legal diploma is disability. Upon recruitment it is also lawful to request family status, age, gender.
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# Diversity Monitoring Survey Checklist - EMEA Region



1. In your jurisdiction, is an employer permitted to request data for the purposes of monitoring diversity?	2. In what form is it permitted to capture the data?	3. What data is permitted to be captured?	4. How should the data be stored and accessed?	5. Are there time limits on retention of data?	6. Are there any other specific rules which apply? eg relating to intra-group cross-border transfers of such data	7. Any other comments
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## Romania

Țuca Zbârcea & Asociații

Yes – applicants and employees	<ul style="list-style-type: none"> <li>•By individual's name</li> <li>•Anonymised</li> <li>•Pseudonymised</li> <li>•Survey conducted by a third party, employer would see only aggregated data</li> </ul>	<ul style="list-style-type: none"> <li>•Gender</li> <li>•Sexual orientation</li> <li>•Ethnic origin</li> <li>•Religion</li> <li>•Disability</li> <li>•Age</li> <li>•Socioeconomic status</li> <li>•Social mobility</li> <li>•Familial/Parental status</li> <li>•Any other relevant data may be collected as long as the requirements of GDPR are fulfilled.</li> </ul>	<p><i>Storage</i></p> <p>No restrictions on where data are stored however storage rules should be evaluated on a case by case basis, in line with GDPR requirements.</p> <p><i>Access to underlying data</i></p> <ul style="list-style-type: none"> <li>•Only designated employees (unless purely statistical, in which case it can be open to the public)</li> </ul>	Yes. There is no standard retention limit set under local legislation. The duration of retention is to be determined on a case by case basis, depending on the type of processing, purposes pursued and form of output.	There are no specific rules provided under local legislation on this matter or any legal obligations justifying the processing of sensitive information in raw format. Consideration should be given to relevant GDPR requirements, on a case by case basis.	No local or cultural reasons apply. Diversity surveys are rather rare in this jurisdiction, and regularly undertaken on an anonymous basis. As stated, where sensitive data is involved, it is highly recommended to conduct such surveys in an anonymous format, without possibility of reversal.
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# Diversity Monitoring Survey Checklist - EMEA Region



1. In your jurisdiction, is an employer permitted to request data for the purposes of monitoring diversity?	2. In what form is it permitted to capture the data?	3. What data is permitted to be captured?	4. How should the data be stored and accessed?	5. Are there time limits on retention of data?	6. Are there any other specific rules which apply? eg relating to intra-group cross-border transfers of such data	7. Any other comments
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## Russian Federation [Yust Law Firm](#)

Yes – applicants and employees	<ul style="list-style-type: none"> <li>•By individual's name</li> <li>•Anonymised</li> </ul>	<ul style="list-style-type: none"> <li>•Gender</li> <li>•Sexual orientation</li> <li>•Ethnic origin</li> <li>•Religion</li> <li>•Disability</li> <li>•Age</li> <li>•Socioeconomic status</li> <li>•Social mobility</li> <li>•Familial/Parental status</li> <li>•Special categories of data like sexual orientation, origin, religion, status, disability may only be captured with a prior written consent of the employee. Such consent shall, inter alia, state the purpose of data capture, and it may be withdrawn at any time.</li> </ul>	<p><i>Storage</i></p> <p>No restrictions on where data are stored.</p> <p><i>Access to underlying data</i></p> <ul style="list-style-type: none"> <li>•Only designated employees</li> </ul>	Yes. General approach regarding applicant / employee data: for applicants' data - 1 year, for employees' data - 50 years. However, retention of special categories of data should stop immediately after the purpose of processing is achieved.	A cross-border transfer of personal data in the absence of a special consent of a data subject is only allowed to countries which are parties to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108) or other countries providing adequate protection of personal data according to Russian authorities.	Diversity surveys are rather rare in Russia.
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## Serbia

### [Karanovic & Partners](#)

Yes – applicants and employees	<ul style="list-style-type: none"> <li>•Anonymised</li> </ul>	<ul style="list-style-type: none"> <li>•Gender</li> <li>•Age</li> </ul>	<p><i>Storage</i></p> <p>Must be stored separately from other data.</p> <p><i>Access to underlying data</i></p> <ul style="list-style-type: none"> <li>•Inspections and relevant authorities</li> </ul>	No	Transfers of data to countries with data protection laws which are considered to be “adequate” are freely permitted; the ability to transfer data to other countries is subject to certain restrictions, in accordance with general Serbian data protection law.	It is now mandatory to keep data (in anonymised and statistical form) about gender and age, but collection of other data is uncommon and likely to be seen as an invasion of privacy.
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# Diversity Monitoring Survey Checklist - EMEA Region



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## Saudi Arabia

Omar Alrasheed & Partners

Yes – applicants and employees	•By individual's name	<ul style="list-style-type: none"> <li>•Gender</li> <li>•Ethnic origin</li> <li>•Religion</li> <li>•Disability</li> <li>•Age</li> <li>•Socioeconomic status</li> <li>•Familial/Parental status</li> </ul>	<p><i>Storage</i></p> <p>No restrictions on where data are stored.</p> <p><i>Access to underlying data</i></p> <ul style="list-style-type: none"> <li>•Only designated employees</li> </ul>	No	No statutory rules/regulations.	Diversity surveys are not common in Saudi Arabia.
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## Slovenia

Ketler & Partners, member of Karanovic

Yes – applicants and employees	•Anonymised	<ul style="list-style-type: none"> <li>•Gender</li> <li>•Disability</li> <li>•Age</li> <li>•Familial/Parental status</li> </ul>	<p><i>Storage</i></p> <p>No restrictions on where data are stored.</p> <p><i>Access to underlying data</i></p> <ul style="list-style-type: none"> <li>•Only designated employees</li> </ul>	Yes. General retention period is for the duration of the employment relationship, however certain information must be stored permanently.	Generally, GDPR applies for all cross-border transfers. However, intra-group cross-border transfer is possible without GDPR limitations, if the data will be used for exercise of rights arising from employment.	Pursuant to the Employment Relationships Act, discrimination based on any personal circumstance is prohibited. Employer is prohibited to ask an employee or a candidate regarding any personal circumstances other than the ones required for the exercise of rights arising from employment. Please note that diversity surveys are rare in Slovenia.
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# Diversity Monitoring Survey Checklist - EMEA Region



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## Spain Gimenez Torres Abogados | Ventura Garces

Yes – applicants and employees	<ul style="list-style-type: none"> <li>•Anonymised</li> </ul>	<ul style="list-style-type: none"> <li>•Gender</li> <li>•Sexual orientation</li> <li>•Ethnic origin</li> <li>•Religion</li> <li>•Disability</li> <li>•Age</li> <li>•Socioeconomic status</li> <li>•Social mobility</li> <li>•Familial/Parental status</li> </ul>	<p><i>Storage</i></p> <p>No restrictions on where data are stored.</p> <p><i>Access to underlying data</i></p> <ul style="list-style-type: none"> <li>•Only designated employees</li> </ul>	Yes, four years.	As the data is anonymised, there are no specific rules for data protection regulations. Being confidential information, depending on the result, the company must decide whether to provide it or not, for its corporate and reputability image.	Diversity surveys are unusual, currently only carried out by large companies, and therefore employees are not accustomed to this type of question, so they often ask for explanations justifying the processing of their data and guarantees that it will be truly anonymised.
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## Switzerland Bratschi

No	N/A	N/A	<p><i>Storage</i></p> <p>N/A</p> <p><i>Access to underlying data</i></p> <p>N/A</p>	N/A	N/A	N/A
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# Diversity Monitoring Survey Checklist - EMEA Region



1. In your jurisdiction, is an employer permitted to request data for the purposes of monitoring diversity?	2. In what form is it permitted to capture the data?	3. What data is permitted to be captured?	4. How should the data be stored and accessed?	5. Are there time limits on retention of data?	6. Are there any other specific rules which apply? eg relating to intra-group cross-border transfers of such data	7. Any other comments
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## UK - England and Wales

Penningtons Manches Cooper | Shakespeare Martineau

Yes – applicants and employees	<ul style="list-style-type: none"> <li>•Anonymised</li> <li>•Pseudonymised</li> <li>•Survey conducted by a third party, employer would see only aggregated data</li> </ul>	<ul style="list-style-type: none"> <li>•Gender</li> <li>•Sexual orientation</li> <li>•Ethnic origin</li> <li>•Religion</li> <li>•Disability</li> <li>•Age</li> <li>•Socioeconomic status</li> <li>•Social mobility</li> <li>•Familial/Parental status</li> </ul>	<p><i>Storage</i></p> <p>Must be stored separately from other data.</p> <p><i>Access to underlying data</i></p> <ul style="list-style-type: none"> <li>•Only designated employees</li> </ul>	No	General UK GDPR rules apply. Consequently, as individuals should not be identifiable from the data, there will normally be no restrictions on the transfer of those data.	Since 2017, many companies are obliged to collate and publish data in relation to their gender pay gap. Increasingly, businesses are voluntarily publishing pay gap data in relation to other characteristics (eg race). It is also becoming more common for businesses to conduct regular “pulse” surveys of their staff which include questions focused on diversity to monitor the effectiveness of D&I policies within the business.
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## Ukraine

Arzinger

No	N/A	N/A	<p><i>Storage</i></p> <p>N/A</p> <p><i>Access to underlying data</i></p> <p>N/A</p>	N/A	N/A	In general, diversity surveys are rare in this jurisdiction.
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# Diversity Monitoring Survey Checklist - EMEA Region



1. In your jurisdiction, is an employer permitted to request data for the purposes of monitoring diversity?	2. In what form is it permitted to capture the data?	3. What data is permitted to be captured?	4. How should the data be stored and accessed?	5. Are there time limits on retention of data?	6. Are there any other specific rules which apply? eg relating to intra-group cross-border transfers of such data	7. Any other comments
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## United Arab Emirates ( UAE)

Alsuwaidi & Co

Yes – employees only	By individual's name	<ul style="list-style-type: none"> <li>•Gender</li> <li>•Ethnic origin</li> <li>•Religion</li> <li>•Age</li> <li>•Familial/Parental status</li> </ul>	<p><i>Storage</i></p> <p>Must be stored separately from other data.</p> <p><i>Access to underlying data</i></p> <ul style="list-style-type: none"> <li>•All employees</li> </ul>	<p>Yes. Employee data should be retained for at least 5-7 years after an employee leaves (resigned /terminated or retired). However in the event of accident or employment claim , it is advisable to keep for 10 years.</p>	<p>It should be as per UAE Personal Data Protection Law No. 45 of 2021.</p>	<p>Diversity surveys are very rare in this jurisdiction.</p>
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### Disclaimer:

The information in the Multilaw Checklist for Monitoring Staff Data provides a general overview at the time of publication and is not intended to be a comprehensive review of all legal developments nor should it be taken as opinion or legal advice on the matters covered. It is for general information purposes only and readers should take legal advice from a Multilaw member firm.