

PROTECTION OF CLIENTS' RIGHTS AND SECURITY IN SOCIAL SERVICES: PRACTICES, TECHNOLOGY, AND STAFF TRAINING¹

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Abstract:

The article focuses on practices related to client protection and security in social services, encompassing various aspects of client rights protection and technological measures. The aim is to identify how social service organizations implement security measures to protect clients, including specific types of safeguards for the protection of personal data and individual rights. Special attention is given to client record management, which is often maintained using specialized software, with methods and processes associated with this type of data management being evaluated. An important part of the article is the examination of the level of staff training on general principles of client rights protection. It also explores the possibilities of regular team discussions on the protection of client rights, supporting the continuous improvement of care quality. Overall, the article provides a comprehensive overview of how social services approach client protection and what steps they take to ensure their safety and respect for their rights. The article will be based on data and research conducted from June to August 2024 on 52 social care providers in the Moravian-Silesian Region.

Key words: client rights protection; social services security; staff training; data management in social care; personal data safeguards

JEL Code: K10, H55

Introduction

The protection of personal rights of clients in social services has been a relevant and pressing issue for many years. In the last decade, the topic of digitalization has emerged, bringing additional legal challenges. Beyond the topics discussed in this paper, there are numerous areas requiring further research, as highlighted by Stypinska (2023) and Eriksson et al. (2023). The

¹ This conference paper was written as part of the project "Protection of the Personality of Clients of Social Services in the Digital Age," no. SGS/12/2024, at Silesian University in Opava.

authors have been exploring this issue from various perspectives over time. For example, in a presentation at the RELIK 2023 conference, the focus was on a similar topic, but from the perspective of clients, where the research primarily centered on clients' perceptions of modern technologies, rather than the viewpoint of management in social service organizations (for more on the research, see Pavelek, Sciskalová (2023).

The article focuses on procedures related to the protection and security of clients in social services, covering various aspects of client rights protection and technological measures. The aim is to explore how social service organizations implement security measures to safeguard their clients, including specific types of protective measures aimed at personal data and personal rights. Special attention is given to the management of client records, which is often handled using specialized software, and the evaluation of methods and processes associated with this type of data management. Overall, the article provides a comprehensive overview of how social services approach client protection and the steps taken to ensure their safety and rights compliance. The article will be based on data and research conducted between June and August 2024 among 52 selected social service providers in the Moravian-Silesian Region.

Legal Background

The protection of human personality is governed by numerous provisions of both Czech and EU law (see, for example, Pavelek, 2020; Brüggemeier et al., 2010). In detail, the Charter of Fundamental Rights and Freedoms (Resolution of the Presidium of the Czech National Council No. 2/1993 Coll., Charter of Fundamental Rights and Freedoms, as amended) guarantees the inviolability of a person and their privacy in Article 7, where personal freedom is ensured. Article 10 states that everyone has the right to have their human dignity, personal honour, good reputation, and name protected. Everyone has the right to protection against unauthorized interference in their private and personal life. Article 14 guarantees freedom of movement and residence. The general personality rights, i.e., the rights of citizens and individuals concerning their personal life and freedoms, are outlined in the provisions of Act No. 89/2012 Coll., the Civil Code. The fundamental personality rights are addressed in Sections 81 and following of the Civil Code (see, for example, Pavelek, 2020, or Pavelek & Sciskalová, 2023 for further details). The Social Services Act No. 108/2006 Coll., in Section 2, focuses on the main principles applied in social services, specifically paragraph 2, which categorically states: "The scope and form of assistance and support provided through social services must preserve the

human dignity of individuals. Assistance must be based on the individually determined needs of individuals, actively engage individuals, support the development of their independence, motivate them to activities that do not lead to the long-term persistence or deepening of unfavourable social situations, and strengthen their social inclusion. Social services must be provided in the interest of individuals and at an appropriate level of quality, ensuring the consistent protection of human rights and fundamental freedoms of individuals. Preference should be given to forms of social services that support the individual remaining in their natural social environment."

The purpose of the Convention No. 10/2010 Coll. m. s., on the Rights of Persons with Disabilities, as stated in Article 1, is to promote, protect, and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities and to promote respect for their inherent dignity. Persons with disabilities include those who have long-term physical, mental, intellectual, or sensory impairments which, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others.

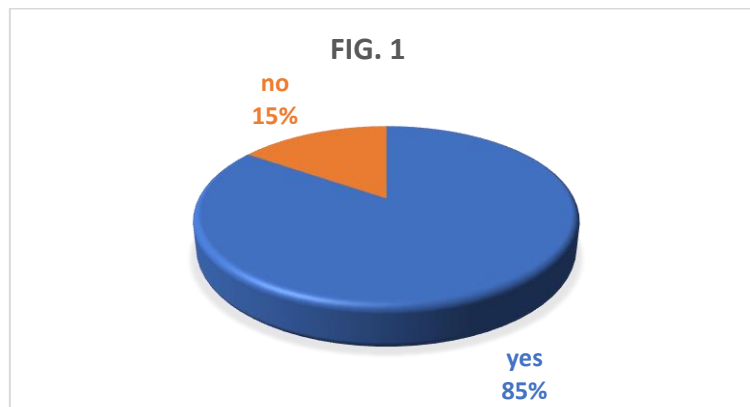
Research Design

The research focuses on three areas: security, data protection, and promotion. The unifying theme is the protection of the personal rights of clients as individuals, particularly in the use of modern technologies to ensure safety, data protection, and promotion. These areas were chosen based on requests from social service providers themselves. All findings are then compared with the relevant and applicable legislation. A total of 52 social service providers were selected from the Moravian-Silesian Region (Moravskoslezský kraj). The research involved 52 respondents – senior staff members from various selected social service facilities.

Research Results

Question 1 focused on the use of modern security elements for client protection, such as assistive bracelets, cameras for ensuring safety, and alarms. The vast majority of facilities regularly use these elements to protect clients—specifically, 44 out of 52 facilities. However, the use of these technologies also requires consideration of their drawbacks, including economic factors, such as the need to monitor these modern systems and ensure they function as needed.

Fig. 1: Do you use any types of security measures to protect the client and their rights in your service?

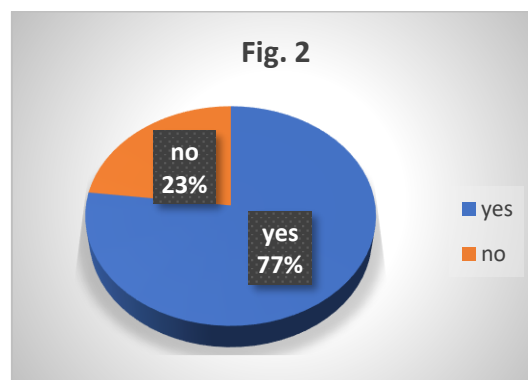


N=52

Source: Author's own data

Question 2 focused on the most common use of modern technologies in the monitored social service facilities. Security is not ensured solely by modern technologies, but also by other means, such as locked window handles, etc. However, the research specifically focused on modern technologies such as wristbands or other tracking devices.

Fig. 2: Do you ensure the safety of clients with Alzheimer's disease, dementia, or Parkinson's disease?

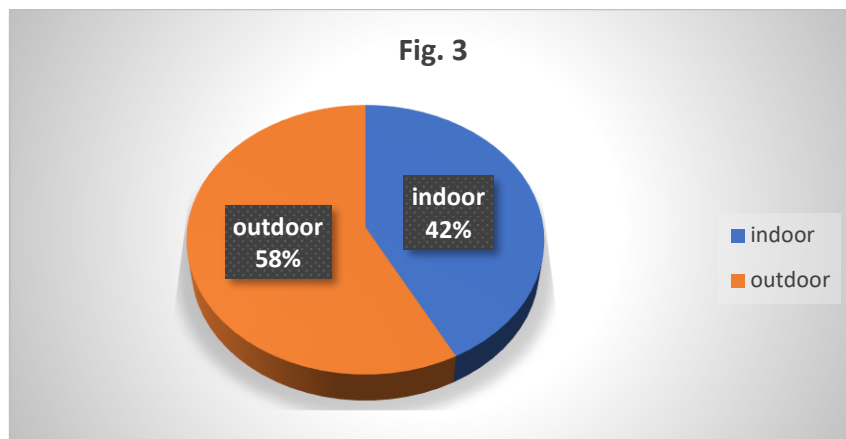


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Question no. 3 focused on the use of camera systems. Camera systems are used in all the monitored social service facilities, but the majority of them primarily monitor outdoor areas.

Fig. 3: Do you use an outdoor or indoor camera system as part of your service?

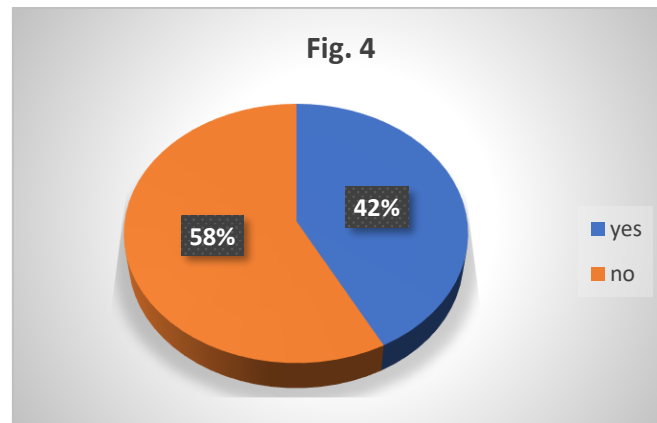


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Question no. 4 shows that roughly half of the social service facilities do not have established procedures for handling the camera system. There is no methodological guideline clearly defining the rules for its use.

Fig. 4: Do you have an established procedure for handling the camera system?

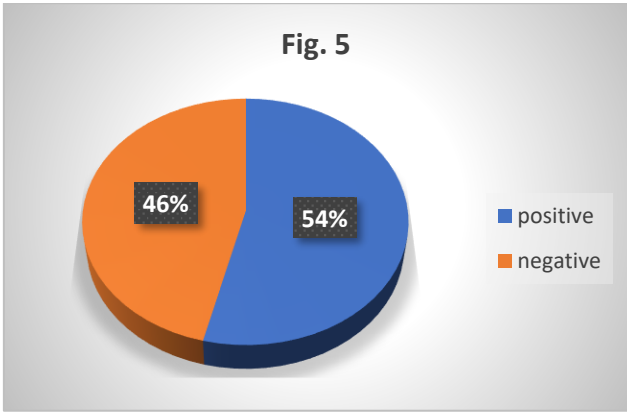


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Source: Author's own data

The question relates to the previous one. If a social service facility uses monitoring devices, respondents were asked to comment on their satisfaction. 28 respondents expressed a positive opinion, 24 respondents were not satisfied with the device.

Fig. 5: Are you satisfied with the use of monitoring devices?

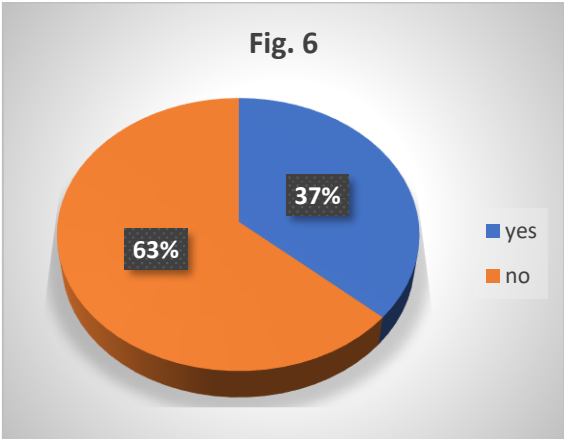


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Source: Author’s own data

The question focused on the use of security cards or chips for entering the facility, for safety reasons. Most social service providers do not use any such measures.

Fig. 6: Do you use security cards or chips for entering the social service facility?

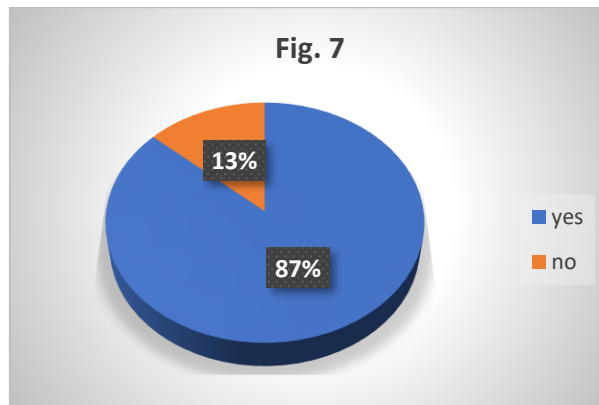


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The issue of security is significant, as clients need to be protected. This area also relates to questions regarding discussions and informing clients about their rights and obligations. In Table 5, the leaders of social service providers provide clients with the opportunity, when possible, to discuss the protection of their rights. Staff members are trained upon hiring regarding clients' rights, at least once a year thereafter, and as needed (in the event of changes in GDPR or any uncertainties on the part of the staff).

Fig. 7: Do you discuss client rights protection with your team of colleagues?

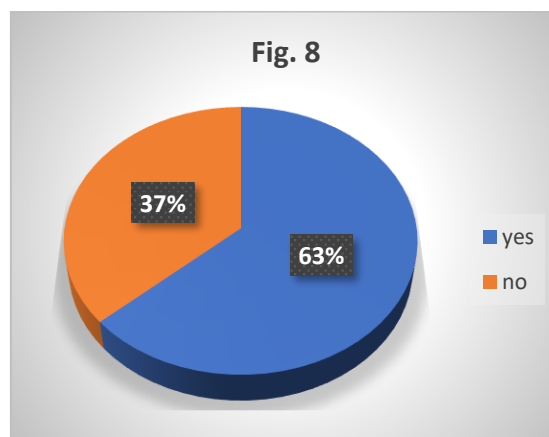


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The research from 2023 (see Pavelek, Sciskalová, 2023) revealed that social service providers insufficiently inform clients about their rights, which is often related to personal data protection, i.e. Act No. 110/2019 Coll, on the Processing of Personal Data. Most facilities stated that they use technologies to protect clients' personal data as required by GDPR. However, it is noteworthy that quite a number of facilities do not use technology, specifically software for protection.

Fig. 8: Do you use technologies to protect clients' personal data when providing social services?

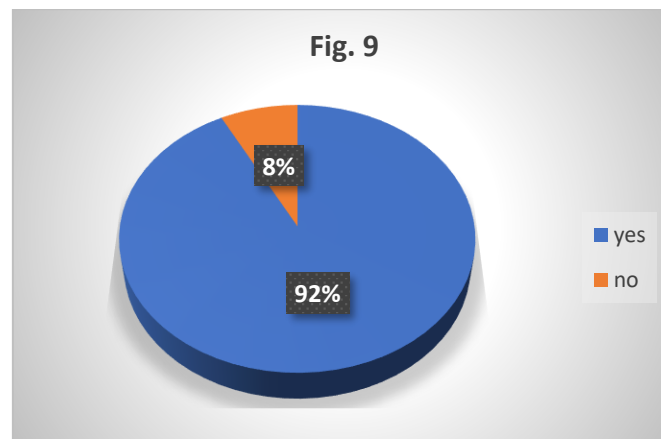


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Source: Author's own data

Similarly, previous research found that social service providers use clients' personal data not only for security purposes but also for promotional reasons.

Fig. 9: Do you use photographs or videos of clients in promoting your social services?

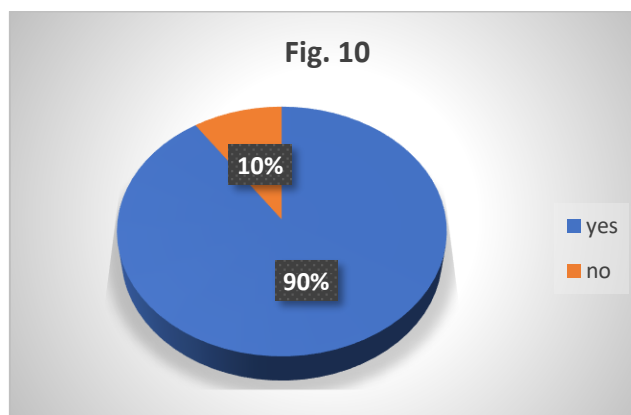


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Source: Author's own data

The capture and dissemination of a person's likeness is legally regulated by the Civil Code and GDPR. A person's likeness can generally be captured and disseminated with their consent. Without consent, this is not possible unless there is a legitimate reason, such as for security purposes, but not for promotional reasons. All respondents stated that they discuss consent for the publication of photos or videos with clients. The question posed is related to the previous question about whether clients of the social service facility have the option to influence the selection of a photo or video for publication. The correct procedure involves discussing the publication of a video or photo with the client; the consent expressed by the client must be informed, meaning that the service provider must inform the client about the publication and the conditions of publication. Clients or their representatives give consent for the publication of clients' photos. Facilities usually have a GDPR form that they provide to guardians or clients for signature.

Fig. 10: Do clients have the option to influence the selection of a photo or video intended for promotion?



N=52

Source: Author's own data

Similarly, it is in accordance with the law if clients can influence the selection of a photo or video; it is negative if they do not have this option, as is evident in five cases of social service providers.

Discussion

It is confirmed, as we point out in various other articles and research (see Pavelek, Sciskalová, 2023), that social service providers utilize various technologies to ensure client safety, typically wristbands, cameras, or alarms. The use of modern technologies and the application of digitalization is now being addressed across scientific disciplines and requires significant organizational changes, especially for vulnerable individuals—particularly those with intellectual disabilities. In other words, services for people with disabilities or clients receiving social services can be understood as undergoing digital transformation, where it is essential to harmonize regulatory and normative elements in this area to ensure the successful implementation of digitalization (Eriksson et al; Ineland, 2023). Although these modern technologies are very effective, as the research confirms, it is necessary to consider the risks, especially concerning cybersecurity (e.g., loss or theft of video footage), as well as the additional costs associated with regular checks and servicing of these technologies to ensure they function correctly and safely. Additionally, staff working with these technologies must be adequately trained (e.g., Mantas, 2020). However, social service providers understandably have not abandoned so-called traditional technologies, such as locked window latches; this, however, is not the subject of this paper. The example of the use of camera systems illustrates that, as

previously shown in other research (Pavelek, Sciskalová, 2023), cameras are not used in accordance with the legislation. The research indicated that social service providers predominantly use camera systems for monitoring outdoor spaces. However, this does not mean they can disregard the law. It appears that more than half of the providers do not have defined methodological procedures for the use of camera systems. The absence of these established procedures may lead to potential problems, such as misuse of camera systems, insufficient justification for surveillance, loss of clients' privacy, etc. (Asghar, Mamoon et al., 2019, or Tzanou, 2023). It is surprising that social service providers tend to use camera systems, wristbands, etc., but not predominantly security cards or chips, which may pose a potential risk to client safety, such as unauthorized access to facilities. It is positive that clients have space for discussions about the protection of their rights, as long as it is feasible considering their health status and mental condition. Social service providers must also ensure the training of their employees; it is equally positive that staff receive regular training in this area, including, for example, personal data protection and GDPR compliance. Only trained personnel are able to properly inform clients about their rights and obligations in accordance with the legislation; they must also be mindful of protecting seniors from social exclusion related to digitalization (see Kwiatkowska, Skórzewska-Amberg, 2019). Promotion in social services and the protection of clients' rights is still an inadequately addressed topic in the Czech Republic, as social service providers do not devote the necessary space and financial resources to promotion. Therefore, this research has also opened up this issue and attempted to raise, at least partially, prompts and considerations on this question. Promotion may relate to websites but also to other promotional materials and events (see also the question of personal data protection in social enterprises Kročil, Pospíšil, 2020). Some facilities use clients' personal data for promotion, which requires the client's or their representative's consent. It is important to ensure that consent is informed and that the client has the option to influence the selection of a photo or video for publication (Reamer, 2003). Not all facilities provide this option, which is in violation of legal regulations.

Limitations of the Research

A limitation of the research is the number of respondents, which was restricted to 52 managers of social service providers in the Moravian-Silesian Region. This, in fact, represents 52 facilities providing social care. However, we believe that the results can also be generalized to other social service providers in different regions.

Conclusion

It is confirmed, as stated in previous research conducted by the authors of this paper, that social service providers commonly utilize modern technologies such as SOS wristbands, cameras, and alarms to ensure client safety. However, the use of these technologies must not disregard the law and the protection of clients' human rights. On the contrary, the application of modern technologies requires organizational changes, particularly for vulnerable individuals. The digitalization of social services must always consider these vulnerable groups and weaker individuals; this underscores the importance of research of this kind regarding the impacts of digitalization and modern technologies on practice. The threats associated with improper, unprofessional, or illegal use cannot be overlooked; typically, this includes intrusions into privacy. This necessitates a review of existing practices, as evidenced in the area of camera systems. Although these technologies are effective, attention must be paid to cybersecurity and regular inspections of the equipment to ensure their functionality and safety. Likewise, it is essential to provide regular training for staff in the areas of technology and personal data protection. Clients have the opportunity to discuss the protection of their rights, as long as their health condition allows, and staff are regularly trained in personal data protection, which is a positive development. However, it is always necessary, and advisable, for methodological guidelines for social service providers to address the nature of consent, which must be informed.

References

- Act No. 108/2006 Coll., on Social Services, as amended (Social Services Act).
- Act No. 110/2019 Coll., on the Processing of Personal Data, as amended.
- Act No. 89/2012 Coll., Civil Code, as amended.
- Asghar, Mamoon N., et al. "Visual Surveillance within the EU General Data Protection Regulation: A Technology Perspective." *IEEE Access*, 7 (2019): 111709-111726.
- Brügge-meier, Gert, Aurelia Colombi Ciacchi, and Patrick O'Callaghan, eds. *Personality Rights in European Tort Law*. Cambridge University Press, 2010.
- Convention No. 10/2010 Coll. m. s., on the Rights of Persons with Disabilities.
- Eriksson, Camilla, & Ineland, Jens. (2023). Ideals, Governance, and Competencies: The Complexity of Implementing Digitalisation in Disability Organisations. *British Journal of Learning Disabilities*, 52(1), 76-86.

Kročil, Ondřej, and Richard Pospíšil. "The Influence of GDPR on Activities of Social Enterprises." *Mobile Networks and Applications*, 25(3) (2020): 860-867.

Kwiatkowska, Ewa M. & Skórzewska-Amberg, Małgorzata. (2019). Digitalisation of Healthcare and the Problem of Digital Exclusion. *Central European Management Journal*, 27(2), 48-63. <https://doi.org/10.7206/jmba.ce.2450-7814.252>

Mantas, J. "Nursing Staff's Awareness of Processing Personal Data According to GDPR." *The Importance of Health Informatics in Public Health During a Pandemic*, 272 (2020): 237.

Pavelek, O. & Sciskalová, M. "Monitoring in Social Services from the Elderly Client's Perspective." *Relik*, 2023, pp. 314-326.

Pavelek, Ondřej. *Compensation for Non-Property Damage to Health and in Cases of Death*, C.H. Beck, 2020.

Reamer, F. G. (Eye on Ethics: The Complexities of Informed Consent). 2003 Available at https://www.socialworktoday.com/news/eoe_0803.shtml

Resolution of the Presidium of the Czech National Council No. 2/1993 Coll., Charter of Fundamental Rights and Freedoms, as amended.

Stypinska, J. "AI Ageism: A Critical Roadmap for Studying Age Discrimination and Exclusion in Digitalized Societies." *AI & Society*, 38(2) (2023): 665-677. doi: 10.1007/s00146-022-01553-5. Epub 2022 Oct 3. PMID: 36212226; PMCID: PMC9527733.

Tzanou, Maria. *Health Data Privacy Under the GDPR*. TAYLOR FRANCIS Limited, 2023.

The translation and language correction of the article were done by artificial intelligence.

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