TRAKmy
LE TRACEUR GPS

Practical guide · Compliance & rollout · 2026

THE TRAKMY GUIDE · ROLLOUT

Rolling out tracking with your teams

The complete kit for deploying your trackers lawfully and with your teams on board: decision trees (works council, GDPR, purposes), templates ready to complete and a rollout checklist.

3 trees
OF DECISIONS

4 templates
READY TO COMPLETE

6 steps
OF ROLLOUT

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EXECUTIVE SUMMARY

Compliance AND buy-in: the two conditions of success

STRAIGHT ANSWER

Rolling out tracking means running two projects at once: respecting a strict legal framework, and managing the change so that your teams adopt it. This guide gives you both — with ready-to-use tools.

The legal side

Works council consultation, individual written information for employees, a GDPR register, proportionate purposes, retention periods. These steps are **mandatory** and enforceable.

The human side

Tracking shifts people's bearings. Without listening and explanation, anxiety wins. The majority of employees ask for nothing more than to be informed and reassured.

The risk to avoid

A missed step is expensive: GPS evidence **excluded** in court, a dismissal reclassified, an obstruction offence, a GDPR penalty. Compliance protects the employer as much as the employee.

"The tracker follows the vehicle, not the person." — the message that sums it all up.

DISCLAIMER & SCOPE

The **GDPR** content applies across the European Union. The **employment-law** content and all four templates are drafted under **French law**, taken as the worked example: works council rules, working-time law and criminal penalties differ in every member state. General legal information current in 2026, provided for guidance only. It does not replace a legal analysis fitted to your situation, nor the advice of your counsel or your DPO — and the templates must be re-drafted locally for any deployment outside France.

CHAPTER 01 · THE LEGAL FRAMEWORK

What the law says

STRAIGHT ANSWER

Three principles structure everything: **proportionality** (FR art. L.1121-1), **prior information** (FR art. L.1222-4) and **works council consultation** (FR art. L.2312-38), all of it under the GDPR.

Permitted purposes

- **Safety** of the employee, the goods and the vehicles
- **Optimisation** of rounds and allocation of resources
- **Billing** and evidencing of services (haulage, call-outs, breakdown recovery)
- **Monitoring vehicle use** (zones, hours, personal use prohibited)
- **Working-time records** — only where no other means exists (badge, clocking system)
- Compliance with legal obligations (carriage of dangerous goods, etc.)

Prohibited uses

- ✕ Monitoring compliance with **speed limits** (prohibited, even during working hours)
- ✕ **Permanent, continuous surveillance** of movements
- ✕ Tracking **outside working time** or on the home-to-work commute
- ✕ Tracking **employee representatives** in the exercise of their mandate
- ✕ Basing a **dismissal** on GPS data alone
- ✕ Tracking a **desk-based or autonomous** employee (field sales, travelling reps)

Retention period	Use case
2 months (default)	Security / theft protection / fleet monitoring
Up to 1 year	Evidencing a service, proof of a call-out
5 years maximum	Working-time records — only where no other means exists

PENALTIES (FRENCH LAW)

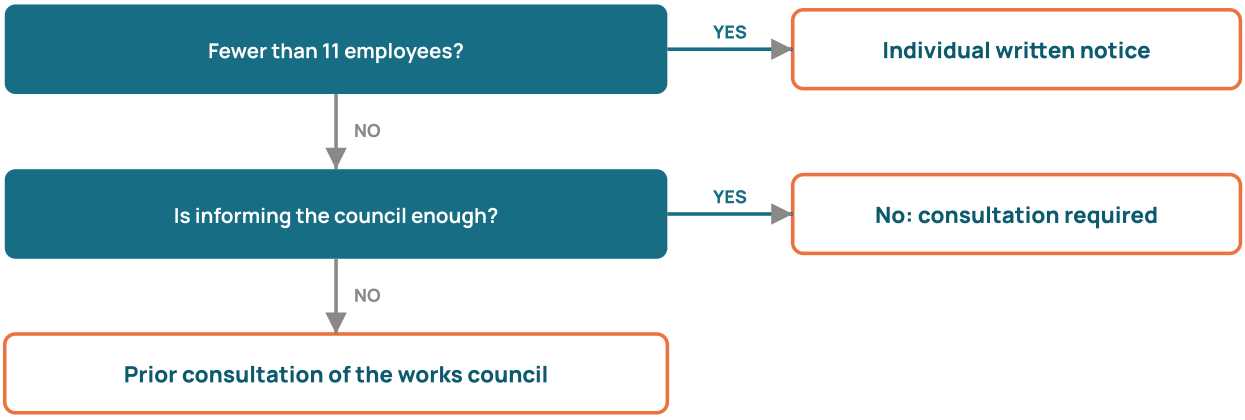
Failure to consult the works council is an **obstruction offence** (up to 1 year's imprisonment and a €7,500 fine) and gets GPS evidence excluded before the employment tribunal. A GDPR breach carries up to **€20m or 4% of global turnover** — this ceiling applies EU-wide. Data collected unlawfully is inadmissible (a dismissal is then reclassified as being without real and serious cause).

CHAPTER 02 · DECISION TREE

What route with the works council?

STRAIGHT ANSWER

Key point under French law: for tracking, simply **informing** the works council is not enough — a formal **consultation** is mandatory (art. L.2312-38), with an opinion formally obtained.



The council's opinion is advisory, not binding: an unfavourable opinion does not block the project — provided the consultation was actually held and documented. Note circulated at least 3 working days before the meeting; opinion recorded in the minutes. Thresholds, bodies and notice periods differ in every member state.

Information ≠ consultation

Information: you pass it on, the council notes it, with no opinion and no deadline. **Not sufficient. Consultation**: a prior note → a review period → a **formal opinion** (favourable, unfavourable or with reservations) → recorded in the minutes. The minutes are your evidence of compliance.

Good practice

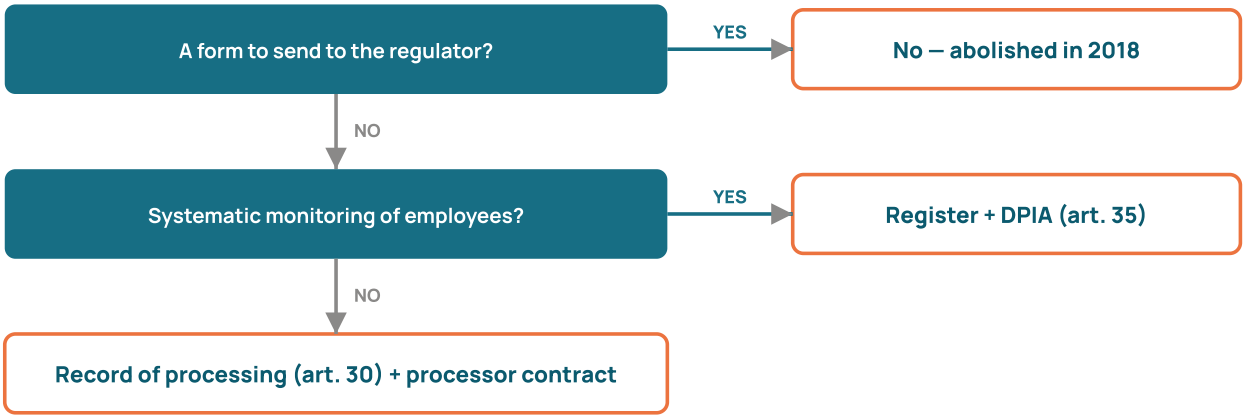
- Meet the elected representatives one to one during the review period
- Put the subject explicitly on the agenda
- Answer every question, provide documents
- Roll out only after the opinion (or the expiry of the period)

CHAPTER 03 · DECISION TREE

What GDPR formalities in 2026?

STRAIGHT ANSWER

Prior notification to the regulator disappeared on 25 May 2018: we moved from *ex ante* control to a logic of **accountability**. You must be able to prove your compliance at any moment.



The register is kept internally and produced in the event of an audit. For employee tracking (high risk), a data protection impact assessment (DPIA, art. 35) is generally required. Penalty for a missing register: up to €20m or 4% of global turnover.

Misconceptions to correct

- ✕ "We notified the regulator back in 2015" → the notification lapsed; everything must be reassessed under the GDPR.
- ✕ "We told the employees verbally" → information must be **individual, written and dated**.
- ✕ "Keeping 3 years of data costs nothing" → retaining beyond the lawful period is itself a violation.

What to enter in the register (art. 30)

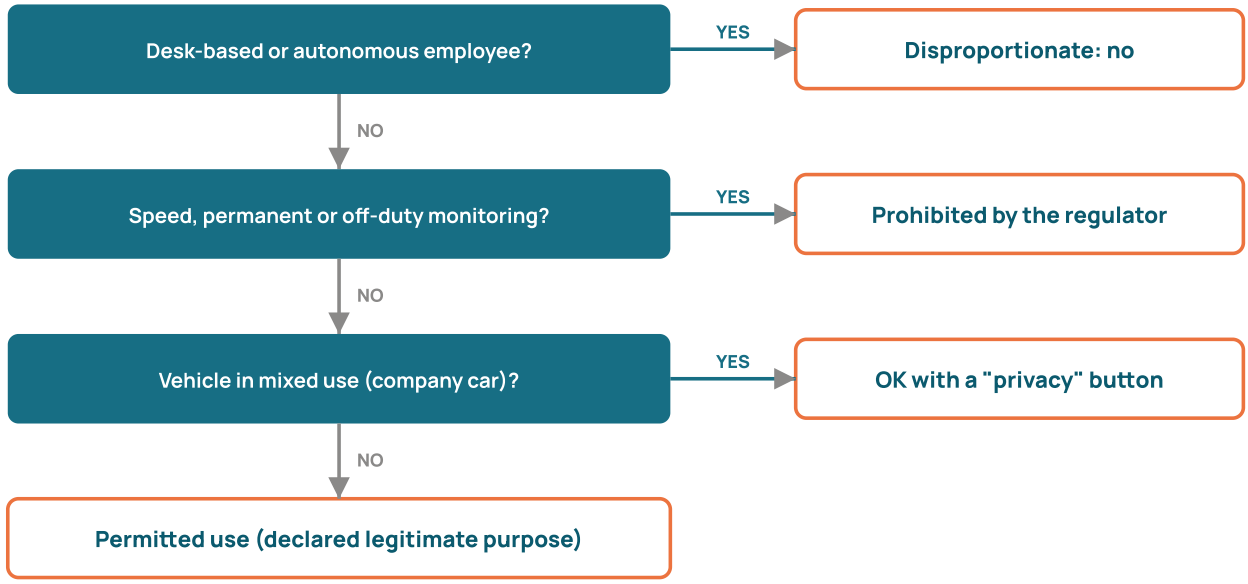
- ✓ Controller & purposes
- ✓ Categories of data and of data subjects
- ✓ Recipients of the data (HR, fleet manager)
- ✓ Legal basis (legitimate interest) & retention periods
- ✓ Security measures & processors (platform, host)
- ✓ Signed processor contract (art. 28) with the provider

CHAPTER 04 · DECISION TREE

Is this use of the tracker permitted?

STRAIGHT ANSWER

Proportionality is assessed case by case: according to the employee's profile, the type of vehicle and the purpose pursued. This tree gives you the rule for each situation.



Company car (mixed use): a "privacy" switch-off accessible to the employee is mandatory — data captured outside working hours cannot support a sanction. Pool vehicle: no switch-off required, but use is limited to the declared purposes during working time.

THE TAKEAWAY

The data must attach to the **vehicle** (registration plate), not to the employee's identity. An employee's right to access their own data can never be refused — a refusal has already attracted a heavy penalty.

CHAPTER 05 · CHANGE MANAGEMENT

Winning over the undecided, securing the dialogue

STRAIGHT ANSWER

The law alone will not get the tool adopted. Faced with any change, the proportions are stable: do not let a handful of opponents set the tone for the majority.

1-2%	8-10%	90%
Committed opponents	Convinced supporters	Undecided & wait-and-see

Management speaks up

A management team that occupies the ground answers the concerns *and* presents the concrete benefits: **less stress** (an end to repeated phone calls), **more safety** (an accident or a collapse located), **less paperwork**, and a **"positive traceability"** that objectively records the hours actually worked.

A dedicated project group

- The HR director plus 3-4 managers from the teams concerned
- 1-2 non-management staff, trusted and representative
- It builds, tests and finalises the information messages

Speak before you write

Alongside the works council consultation, run **small-group meetings (20-30 min)** with the employees concerned. Balance the benefits with genuine listening.

- Show that management informs **and** listens
- Deliver the same message to everyone, leaving no room for rumour
- Rank the real concerns, test the arguments
- Prepare a letter that confirms what was said

THE TYPICAL FEARS TO DEFUSE

"Someone is going to watch me work 8 hours a day", "I won't be able to ease off any more", "will I still get to choose when I take my break?". Rarely well founded — but they must be acknowledged and addressed with concrete safeguards (switch-off outside working hours, restricted access, precise purposes).

CHAPTER 06 · THE ROADMAP

Rolling out in 6 steps

STRAIGHT ANSWER

The order matters: each step conditions the validity of the next. Never activate a tracker before the employee concerned has been informed.

1 **Frame & document**

Proportionate purposes, entry in the register (art. 30), DPO consulted where appointed, processor contract signed with the provider (art. 28).

2 **Consult the works council**

Where the threshold applies (FR: 11 employees or more): note circulated in advance, opinion obtained and recorded in the minutes. Rollout after the opinion.

3 **Inform every employee in writing**

A contract addendum or a signed individual letter (FR art. L.1222-4) plus a notice on the staff noticeboard. **Before** any activation.

4 **Information meetings**

Small groups, 20-30 min: present the benefits, listen to the concerns and address them.

5 **Activate & train**

Fit the trackers, restrict access to authorised staff, make the "privacy" button operational for company cars.

6 **Monitor & guarantee rights**

Answer access requests, purge automatically when retention expires, review the register regularly.

Rollout checklist — ready to tick

- ☐ Purpose documented and proportionate to the activity
- ☐ Processing entered in the register (art. 30)
- ☐ DPO consulted (where appointed)
- ☐ Processor contract signed with the provider (art. 28)
- ☐ Works council informed/consulted, opinion recorded in the minutes
- ☐ Addendum / information letter delivered and signed by every employee
- ☐ Notice displayed on the company noticeboard
- ☐ Switch-off mechanism outside working hours operational
- ☐ Access to the data limited to authorised staff
- ☐ Retention periods configured (automatic purge) + access request procedure

CHAPTER 07 · PRE-FILLED TEMPLATE

Contract addendum

STRAIGHT ANSWER

Drafted under French law. Complete the highlighted fields, tick the purposes actually pursued, produce two signed counterparts — and have it re-drafted locally outside France.

ADDENDUM TO THE EMPLOYMENT CONTRACT

Tracking device fitted to company vehicles

Between the undersigned: [Company name], [legal form], company number [registration no.], whose registered office is at [address], represented by [Name, capacity], hereinafter "the Employer", and Mr / Ms [Name], [position], residing at [address], hereinafter "the Employee".

Article 1 — Subject

This addendum informs the Employee that a tracking device is fitted to the company vehicle made available to them under their employment contract.

Article 2 — Description of the device

A GPS tracker [make / model] is fitted to the vehicle registered [registration number]. It collects the vehicle's geographical position [frequency: e.g. hourly while in motion].

Article 3 — Purposes of the processing

The data is used **exclusively** for the following purposes:

☐ Protecting the vehicle against theft and enabling its recovery
☐ Optimising rounds and allocating resources
☐ Evidencing the services performed and billing the customer
☐ Recording working time (only where no other means is available)
☐ [Other purpose, to be specified]

It will not be used for any other purpose — in particular, not to monitor speed limits, nor the Employee's movements outside working hours.

Article 4 — Switching off outside working hours

Where the vehicle is used privately outside working hours, the Employee may switch off collection via [method: e.g. the "privacy" button in the app]. Switching off is a right and cannot give rise to any sanction.

Article 5 — Retention period

The data is retained for a maximum of [2 months / 1 year / 5 years depending on the purpose], in line with regulator's guidance, then deleted automatically.

Article 6 — Recipients

The data is accessible only to: [e.g. fleet manager, HR]. It is hosted by [provider] (a GDPR processor) on servers located in the European Union.

Article 7 — The Employee's rights

Under the GDPR the Employee has rights of access, rectification, objection on legitimate grounds and erasure. To exercise them: [HR / DPO email]; they may also complain to the supervisory authority [FR: the CNIL].

Article 8 — Entry into force

This addendum takes effect on [date], for the duration of the employment contract.

For the Employer
Signed at [town], on [date]
Signature

For the Employee
Signed at [town], on [date]
Signature, "Read and approved"

CHAPTER 08 · PRE-FILLED TEMPLATE

Individual information letter

STRAIGHT ANSWER

The alternative (or the complement) to the addendum: an individual letter, written, dated and delivered against signature **before** the device is activated (FR art. L.1222-4). Keep the signed copy on the employee's file.

INFORMATION LETTER TO THE EMPLOYEE

Installation of a tracking system — art. L.1222-4 of the French Labour Code

[Town], [date]

Subject: information concerning the installation of a vehicle tracking system

Dear [Name],

In accordance with article L.1222-4 of the French Labour Code and with the General Data Protection Regulation (GDPR), we are writing to inform you that a tracking system is being installed on the company vehicles used in the course of your duties.

Purpose: [optimising rounds / fleet monitoring / safety of the employee and the goods / billing of services].

Data collected: the vehicle's geographical positions, dates and times of movement, mileage. The data is associated with the vehicle, not with your identity.

Legal basis: the employer's legitimate interest (FR art. L.1121-1 of the Labour Code).

Retention period: [2 months / to be specified], save where evidence is required.

Access to the data: authorised staff only [e.g. operations manager, management].

Outside working hours: you may switch the tracking off when using the vehicle privately; the procedure will be given to you when the vehicle is handed over.

Your rights: access, rectification and objection in respect of the data concerning you, by contacting [DPO email / HR contact]. You may lodge a complaint with the supervisory authority [in France: the CNIL, cnil.fr].

We remain at your disposal for any further information.

[Employer's signature]

☐ Read and noted
Employee's signature: _____
Date: _____

CHAPTER 09 · PRE-FILLED TEMPLATES

Works council note & GDPR register

STRAIGHT ANSWER

Two documents to prepare in advance: the note submitted to the works council (to be circulated at least 3 days before the meeting) and the entry to be made in your record of processing activities (GDPR art. 30).

INFORMATION NOTE TO THE WORKS COUNCIL

Art. L.2312-38 of the French Labour Code

Subject of the consultation. In accordance with article L.2312-38 of the French Labour Code, management submits for the works council's consultation the proposed rollout of a GPS tracking system on company vehicles.

The note must describe:

- ☐ Technical description (type of tracker, collection frequency, network)
- ☐ Precise purposes and legal basis
- ☐ Scope: which employees / which vehicles
- ☐ Planned rollout date
- ☐ Data retention periods
- ☐ Provider and place where the data is hosted
- ☐ Employees' rights and how to exercise them
- ☐ How to switch off on mixed-use vehicles

On the agenda: "Information and consultation on the proposed vehicle tracking system". Opinion obtained and then recorded in the minutes.

RECORD OF PROCESSING ACTIVITIES

GDPR art. 30 — kept internally

Entry to be made in the **record of processing activities**:

- ☐ Controller: [identity / contact]
- ☐ Purposes: [theft protection, optimisation, billing…]
- ☐ Data subjects: employees, subcontractors
- ☐ Data: GPS positions, dates/times, mileage
- ☐ Recipients: [HR, fleet manager]
- ☐ Legal basis: legitimate interest
- ☐ Periods: 2 months / 1 year / 5 years depending on the purpose
- ☐ Processors: [platform, host] + DPA (art. 28)
- ☐ Security measures; date of last review
- ☐ Findings of the DPIA (art. 35) where required

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TAKE THE NEXT STEP

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