

This checklist guides you through introducing digital time tracking. It is meant as a working tool: print it, tick items off, and give open points a date and an owner.

1. Clarify the framework

- ☐ Check whether the business falls under section 2a of the Act to Combat Undeclared Work (SchwarzArbG); if so, section 17 MiLoG applies as well.
- ☐ Check whether a collective agreement contains rules on working time.
- ☐ Clarify whether there is a works council; if so, co-determination under section 87 (1) nos. 2 and 6 BetrVG applies.
- ☐ Decide which groups of employees are recorded and which working time models exist.

2. Gather requirements

- ☐ Decide how time is recorded: browser, app, a wall-mounted terminal, or a combination.
- ☐ Clarify whether project time is needed alongside working time.
- ☐ Decide who approves times and who may correct them.
- ☐ Check in which form payroll needs the data.
- ☐ Record the requirements for the server location and the reasons for them.

3. Selection

- ☐ Compare at least three providers with the same scope of features, not entry price against entry price.
- ☐ Capture additional costs: base fee, support flat fee, setup fee, add-ons, minimum term.
- ☐ Look up the server location and operator in the provider's privacy policy.
- ☐ Run the trial with a real department, not just the project group.
- ☐ Check the export options before the contract is signed.

4. Data protection

- ☐ Conclude a data processing agreement under Art. 28 GDPR.
- ☐ Add the processing activity to the record under Art. 30 GDPR.
- ☐ Check whether a data protection impact assessment under Art. 35 GDPR is needed.
- ☐ Set deletion periods and store them in the system.
- ☐ Inform employees under Art. 13 GDPR.

5. Works agreement

- ☐ Agree the draft with the works council; set out purpose limitation and access rights.
- ☐ State expressly that performance monitoring is excluded.
- ☐ Set out the correction procedure and logging.
- ☐ Set the date of entry into force and the notice period.

6. Setup

- ☐ Import master data: name, start date, weekly hours, leave entitlement.
- ☐ Create working time models and assign them to each person.
- ☐ Set the public holiday calendar for the right federal state.

- ☐ Set the approval routes for absences.
- ☐ Enter opening balances for leave and overtime and have them countersigned.

7. Rollout

- ☐ Set a date, ideally the first of a month.
- ☐ Provide short instructions for employees; one page is enough.
- ☐ Name a contact person for questions.
- ☐ Run the first week in parallel with the old process.
- ☐ Gather feedback after two weeks and adjust.

8. After the rollout

- ☐ Go through the first month-end close together with payroll.
- ☐ Check whether warnings about maximum working time and rest periods occur, and why.
- ☐ After three months, check whether corrections have remained the exception.
- ☐ Check retention and deletion periods for the first time.

Open points

Item	Owner	By when

Legal basis: BAG, decision of 13 September 2022, 1 ABR 22/21; CJEU, judgment of 14 May 2019, C-55/18; sections 3 to 5 ArbZG; section 17 MiLoG; section 2a SchwarzArbG; section 87 (1) nos. 2 and 6 BetrVG; Art. 13, 28, 30 and 35 GDPR. This checklist is not legal advice. This English version is provided for convenience. German law applies, and the statutes cited are German law. Where a German version is signed as well, the German version prevails.