

TIP SHEET | Negotiating for Workers' Data Rights

QUESTIONS TO ASK

Transparency

- Has management provided information to workers about when and how they collect workers' data, and what tools and systems are used?
- If so, does the information give a fair understanding of what information is being collected, when and why?
- Is there a clear, specifically defined purpose for the data collection?
- Is there any evidence of management using tools or systems to collect workers' data that they *haven't* been transparent about?

Tip: Check the legal requirements and exceptions in GDPR articles 13, 14 and 5.

Data protection impact assessment

- Did management consult you, or your colleagues, as part of their impact assessment process?
- Did they share the final DPIA with you? If not try to get it
- Has management taken any steps to amend the tool/system based on the possible impact or harms you have identified?
- Has management involved you in a periodic review of the DPIA?

Tip: Article 35 on DPIAs is your entry point to establishing good processes for risk elimination and worker consultation.

Third party access

- Does management use any third parties (software, service providers, etc) for its data collection practices, or otherwise share workers' personal information with third parties?
- If so, try to negotiate limitations on what these 3rd parties can, cannot or may not do with your data
- Have you been informed (articles 13 &14), do you know the legal basis for processing (art 6) and

Tip: Check [this document](#) for everything you need to know and act on in relation to 3rd party access

OTHER STEPS TO TAKE

1. **Do your research:** Use the data-mapping tips at workersdatarights.org and engage other workers to see what you can learn about management's data collection practices through your own research.
2. **Share your information:** Lots of systems are similar but go under different names. Share your mapping and the DPIAs with your union to boost union-wide learning and strategy building.
3. **Lodge a complaint:** If management is not willing to engage, and/or if you identify data collection practices that are not in line with the GDPR, find out whether you have grounds to lodge a complaint with your national Information Regulator/data protection authority.