Ensuring Collective Data Rights

THE DATA LIFECYCLE AT WORK - A GUIDE

PSI PUBLIC SERVICES INTERNATIONAL

Friedrich Ebert Stiftung

THE WHY NOT LAB

The data lifecycle is a tool to help you think about how data is collected, used, stored, and disposed of in the workplace. Risks to workers' privacy and rights can emerge in any phase of the data lifecycle.

NEGOTIATE THE DATA LIFECYCLE AT WORK

By systematically thinking through these phases, workers and unions can better identify when and how to intervene. Intervention is important to both mitigate risks and promote workers' rights.

The idea of a 'cycle' is a helpful discursive tool to encourage you to consider all ways that data might be used. Keep in mind, however, that the data lifecycle is not a linear process. From the moment it is acquired, data can transition to any phase in any order, and many of these phases occur simultaneously!
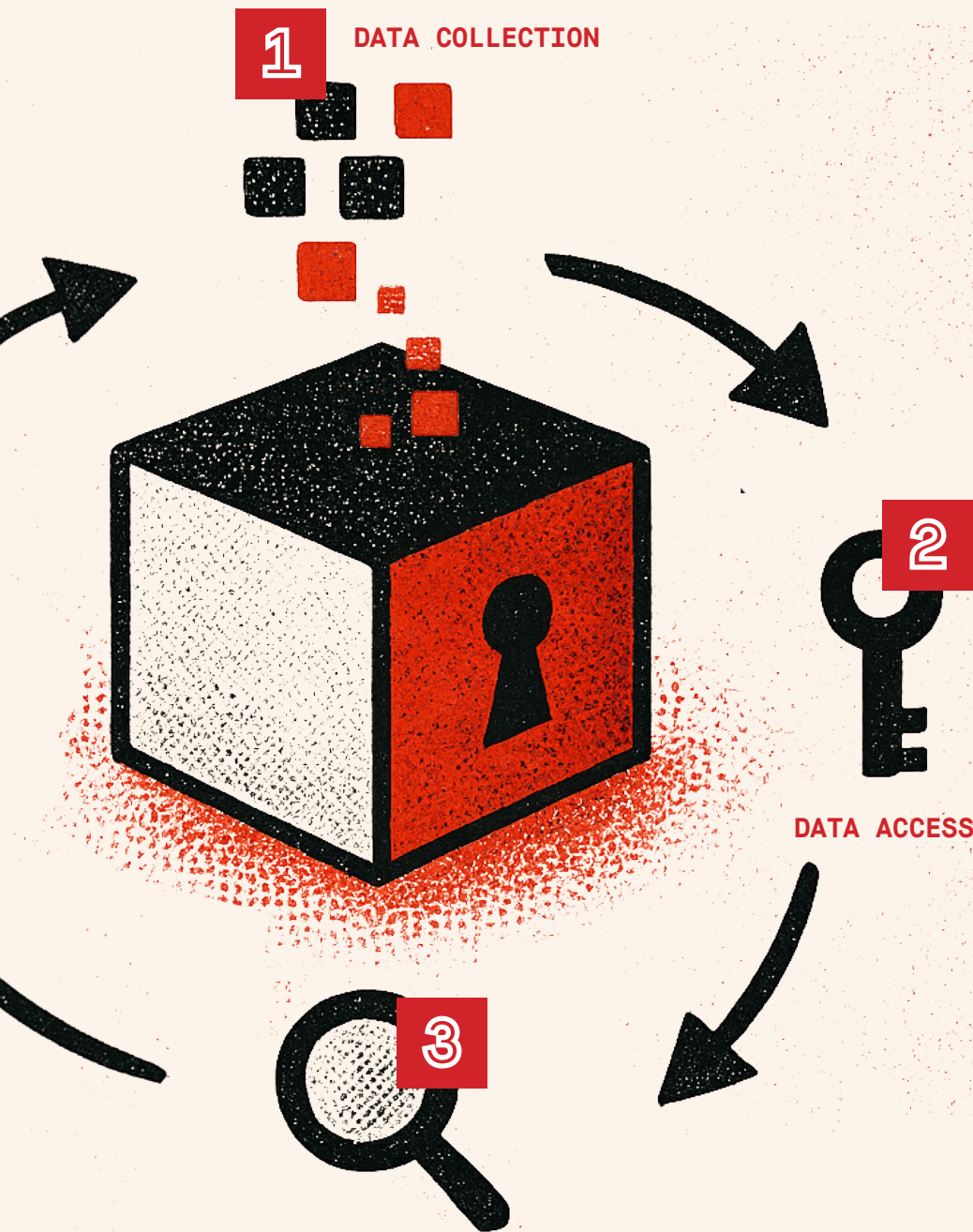
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DATA STORAGE & OFFBOARDING
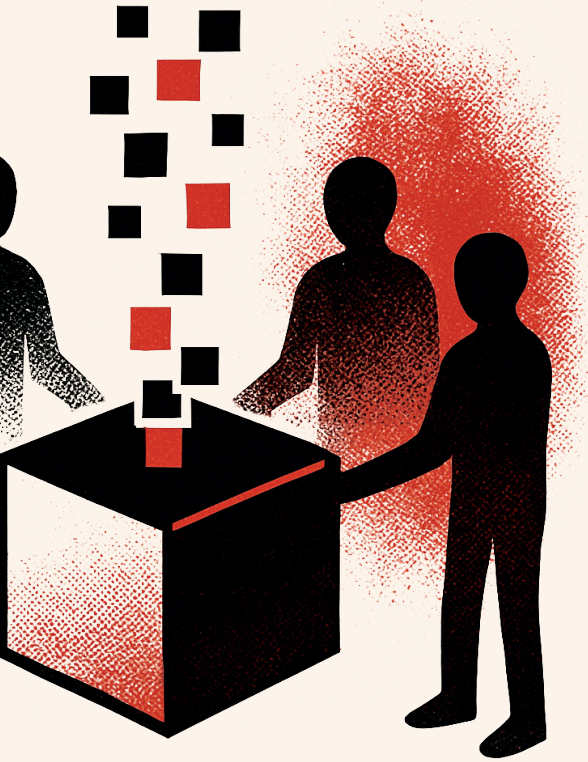
1 DATA COLLECTION

2 DATA ACCESS

3 DATA ANALYSIS

1 DATA COLLECTION

Algorithmic management and AI systems are built on data. Employers can acquire data in different ways: they can purchase data from external sources; they can rely on data that is embedded in the (often externally developed) digital systems they use; and — commonly — they can rely on their employees as a source of workplace data. Even the outcomes of previously processed data can present new sources of data for employers.

By limiting what kinds of data employers can collect, workers can protect their privacy and limit the efficacy and kinds of AI and algorithmic systems that employers use.

2 DATA ACCESS

Information is power, and data is information. For this reason, it is important that management take adequate steps to ensure that information is stored safely and securely, and that only authorized parties have access.

Unions and workers should differentiate between different types of data and consider what parties require access to what kinds of information.

Data access can be authorized, or unauthorized — and workers should have the deciding say on who has access to information about them. Do only the relevant people in the organization have access to only the relevant data? For example, is access granted only to management working within the organization? What about externally developed software programs or services? Workers should know if third parties have access to their data. Has management considered limiting these rights in procurement/supplier contracts?

The power of data crystallises when data is analysed and used to make decisions, recommendations, or predictions.

While workers may consent to some uses of their data, they may object to others. Ultimately, unless constraints are introduced, data can be used and reused endlessly and with infinite aims.
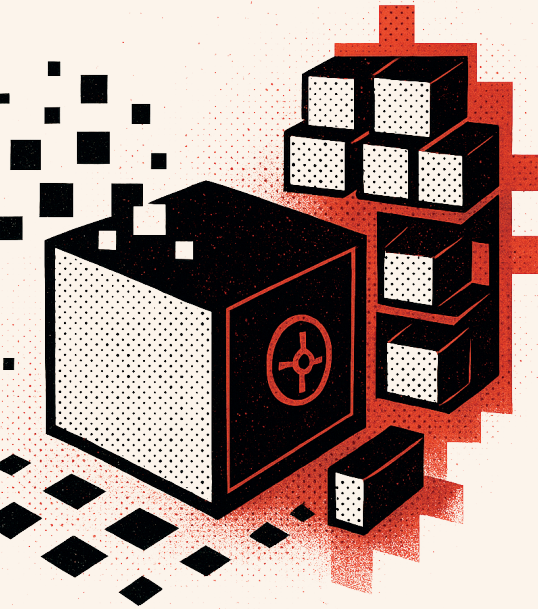
③ DATA ANALYSIS

How is workers' data being used and analysed and for what purposes? Can workers access the insights or inferences that their data was used to produce? Can they object to specific uses of their data?

Note: Unions should set redlines for what the data can be used for and what not. Unions should insist that any use of data be limited to the reason provided at the time of initial data collection.

4 DATA STORAGE & OFFBOARDING

When information is no longer required, information can be securely destroyed, or it can be given away or sold to another organisation. This process of data offboarding should never introduce new risks for workers. Workers should know what information is being off-boarded and to whom and should have a voice in these decisions.

For data storage, workers should ask: Is management taking adequate steps to store data securely? What jurisdiction is workers' data stored in and how does this impact their rights?

For data offboarding, consider questions like: what happens to the data after it is used? Is it deleted? Are data sets and inferences sold/transferred to third parties at any point?

As soon as data has been gathered, employers must determine where and how they will store this information. Data is a shelf-stable item and any information that is collected about workers could be retained indefinitely. Data storage should remain an important consideration and concern for workers for as long as their data is retained.

THE DATA LIFECYCLE IN ACTION: APPLY WHAT YOU KNOW

What follows is a brief activity that was developed to show how the idea of the data lifecycle can be a helpful conceptual tool for thinking about — and advocating for — workers' data rights.

You will read a short scenario about a new technology that is introduced in the workplace. Imagine this is your workplace and you are responsible for bringing workers' concerns and demands to management.

As you read this scenario, think through the data lifecycle and form questions or demands for management that pertain to each lifecycle stage. What ideas do you have and what protections would they offer workers in this situation?

MANAGEMENT INTRODUCES A NEW APP:

Management has told the workers that workers must download a new app onto their private mobile phones. The app will be used to change shifts, report sick days and holidays and use is mandatory. Also, using location data, the app will automatically log working time by checking workers in and out of work when they are within 5 meters of the entrance door.

Management has informed the workers that the app designers are based in Europe, and the data is stored on an Amazon Web Server in India.

You have questions about this app and would like to negotiate how it will be used in the workplace. Based on what you know, what questions, proposals or demands do you have?

WHAT DID YOU COME UP WITH?

STAGE 1

A demand: Management should be prohibited from requiring workers to download an app on their private phone.

This is an intrusive way to access personal information about workers. Often these types of apps could be used to gather more data than what is indicated. By using a work-provided phone, workers can better maintain privacy and work/life balance.

STAGE 2

A question: Given that this app is used to change shifts, how is workers' privacy maintained?

If a worker needs to change shifts often, this may be due to a personal, confidential, or health-related reason. Does the system allow the entire workforce to see who has entered shift change requests? What steps or precautions are taken to ensure workers' privacy?

STAGE 3

A demand: Management should not automatically process working time as they have proposed.

In many workplaces, like hospitals, schools, and public service administration, work may be principally performed within a building, but workers may leave the premises to fulfil some workplace demands — like helping patients get to their vehicles, supervising children at recess, or attending a meeting off-site. If management processes data as proposed, none of these work functions would be considered working time.

STAGE 4

A demand: Workers' data must be stored within the same jurisdiction where workers are employed.
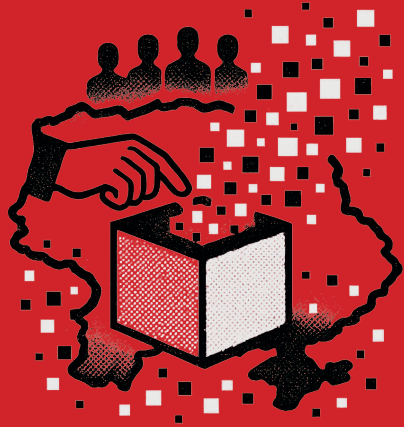
Data protections that are enshrined in law vary geographically. The best way to ensure that workers' rights are protected at least at the local standard — is to require data to be stored locally and to prohibit the sale of workers' data. This will help workers maintain control over their personal information.

THE DATA CYCLE BELONGS TO WORKERS

From collection to storage, data in the workplace is never neutral. Every droplet of information shapes how power flows — who decides, who watches, who benefits.

Employers and digital systems will always look for ways to extend control through data. Workers and unions must answer with vigilance, creativity, and solidarity:

- **RESIST INVASIVE COLLECTION**
- **CONTROL ACCESS**
- **SET LIMITS ON ANALYSIS.**
- **DEMAND SECURE, LOCAL STORAGE.**

This Guide was developed by Public Services International Global Union Federation in collaboration with Friedrich Ebert Stiftung & Christina Colclough from the Why Not Lab for use by unions around the world.

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