



Privacy International's response to the Department for Business, Innovation, Science, and Trade's consultation on supporting the fair, transparent and responsible use of workplace monitoring technologies, in line with the commitments set out in the Plan to Make Work Pay.

September 2026

About Privacy International:

Privacy International (PI) is an international non-governmental organisation that campaigns against companies and governments that exploit individuals' data.

PI employs specialists in their fields, including technologists and lawyers, to understand the impact of existing and emerging technology upon data exploitation and our right to privacy.

Given our leading and respected status as a voice on issues of data and privacy, we are frequently called upon to give expert evidence to parliamentary and government committees.

Among others, we have advised and reported to the Council of Europe, the European Parliament, the Organisation for Economic Co-operation and Development and the UN Office of the High Commissioner for Human Rights.

**Question 22.** Which of the 8 principles do you think are the most important for employers when introducing and using WMT?

Select 2 from the following:

- Purpose and rationale
- Transparency and understanding
- Worker engagement and voice
- Fairness and equality
- Necessity and proportionality
- Human oversight and accountability
- Privacy, dignity and wellbeing
- Accuracy, reliability and review

**Our answer:**

- Transparency and understanding
- Privacy, dignity and wellbeing
- Necessity, proportionality and Privacy

*NB: The list of principles in Question 22 differs from that in the list in the overview - because of this confusion, we have selected three principles to ensure that both transparency and privacy are covered.*

**Question 23.** To what extent do you agree that adherence to these principles during the introduction of WMT would improve worker trust and buy-in?

- Strongly disagree
- Disagree
- Agree
- Strongly agree
- Don't know

**Our answer:** Strongly Agree

**Question 24.** What impact, overall, do you think adopting these principles would have on workplace productivity?

- Very negative impact
- Somewhat negative impact
- No impact
- Somewhat positive impact
- Very positive impact
- Don't know

**Our answer:** Somewhat positive impact

**Question 25.** To what extent do you agree that these principles accurately reflect good practice in the use of WMT?

- Strongly disagree
- Disagree
- Agree
- Strongly agree
- Don't know

**Our answer:** Agree

**Question 26.** Are there any important elements of good practice missing from these principles?

**Our answer:**

Yes. While the eight principles could make a positive contribution as they stand, they leave several important elements of good practice relating to privacy, transparency and explainability unaddressed. Further improvement of them would have an even more positive impact in preventing harms arising from the use of WMT.

While existing data protection rules must form the baseline, WMT are inherently intrusive and coercive and so specific rules may be needed to guide their operation in ways which are fair and respectful of people's rights.

First, existing data protection principles should be more clearly articulated as standalone principles. In particular, the principles of data minimisation and purpose limitation are inadequately represented in the existing principles.

Employers should have to demonstrate they are collecting only the minimum data necessary to achieve a specific aim. This is especially important to prevent employers taking advantage of their power imbalance over workers to bundle together requests for excessive collection of data that goes beyond their actual needs.

WMT must not become an excuse for generalised and bulk surveillance of workers.

Purpose limitation should also be more explicitly included. Data gathered for one stated purpose — a driver-facing camera introduced for road safety, for example — could be repurposed for an unrelated one, such as disciplinary action or performance assessment, without triggering any of the eight principles, since no 'new' system or feature has technically been introduced.

While the issue of 'scope creep' is mentioned, this should be explicitly tied to existing data protection law, and there should be a clear prohibition on data being sold on,

shared with third parties (other than in circumstances in which a third party is undertaking processing relating to the initial purpose and subject to appropriate legal/contractual/technical safeguards), or used beyond its original stated purpose.

Safeguards should also be in place to prevent the sale of worker data following a company going bankrupt/being shut down, [as has recently happened in the US](#).<sup>1</sup>

Concerns raised by the ICO around protection of customer data following 23andMe entering into [bankruptcy could similarly apply to worker data](#).<sup>2</sup>

Second, we note the reference to anonymous/aggregated data in Principle 5 (necessity, proportionality and privacy). While technical measures may at times assist in compliance with certain aspects of data protection law, they do not always eliminate the possibility of re-identification or distinguishing between certain groups and consequently arising harms. In any case, even perfectly anonymous or confidential data processing can still be used in ways that leverage employer power and information asymmetries to the disadvantage of workers. This must be avoided.

Third, Principle 2 (transparency and understanding) requires greater stringency, in particular in relation to automated decision making (ADM). It currently only states that workers 'should be informed about the role such systems play in decision-making processes' when solely ADM is used. However, this only discloses a generic reason for why the system might be used and fails to involve workers in the design of such systems.

Access to information around how a decision-making algorithm reaches a performance decision (e.g., a worker has been productive or unproductive, is over-performing or under-performing) directly contributes to the power workers and their representatives need to improve systems and challenge decisions. If they don't know how the WMT works, it can be difficult to identify the evidence for appealing or challenging a decision. [Privacy International has previously produced a set of recommendations for transparency and explainability for algorithmic decisions at work which contain more detail on this](#).<sup>3</sup>

At minimum, this Principle should instead require platforms to provide clear and accessible explanations of how the algorithms work, the relative importance of inputs and parameters that might affect a decision, information about human oversight and accountability, whether automated decisions are advisory or decisive, and why the automated system has been preferred to other options.

Our recommendations also set out that workers should receive a clear and personalised explanation for any particular decision. Otherwise, an individual worker may not understand why they received a specific output. Without explainability, the appeal route promised under Principle 6 (human oversight and accountability) is ineffective, because a

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<sup>1</sup> <https://arstechnica.com/tech-policy/2026/08/flight-attendants-freaked-out-that-google-to-buy-tons-of-spirit-employee-data/>

<sup>2</sup> <https://ico.org.uk/about-the-ico/media-centre/news-and-blogs/2025/05/ico-calls-for-protections-for-23andme-customer-data/>

<sup>3</sup> <https://privacyinternational.org/long-read/5752/transparency-and-explainability-algorithmic-decisions-work>

worker cannot meaningfully challenge a decision they were never given the actual basis for.

PI also recommends that workers, their representatives and public interest groups are able to test how algorithms work. For example, through sandboxes, API access or sharing source code. This would help support Principle 3 (worker engagement and voice), and consideration should also be given on how to ensure that workers and representatives have access to the technical expertise required in order to engage.

Finally, anti-retaliation protections must be implemented. Principle 6 gives workers a route to ‘question and... challenge decisions’ and Principle 7 encourages workers to ‘raise concerns’, but neither this nor any other principle protects a worker from adverse treatment for having exercised that right. Given the well-documented power imbalance between workers and employers in this space, a right to challenge that carries a risk of retaliation is not a right workers can use safely.

**Question 27.** What challenges, if any, do employers or workers face in applying these principles in practice? (select all that apply)

- Lack of clarity around legal requirements
- Cost/resource pressures
- Difficulty applying principles consistently
- Rapid evolution of technology
- Lack of worker trust/confidence
- Limited worker or representative capacity
- Difficulties in smaller organisations
- Data protection/privacy concerns
- No significant challenges
- Other (please specify)

**Our answer:**

- Lack of clarity around legal requirements
- Difficulty applying principles consistently
- Evolution of technology
- Information asymmetries
- Limited worker representation
- Data protection/privacy concerns
- Other

Privacy International has researched the challenges workers face in three areas relevant to this consultation — AI recruitment platforms,<sup>4</sup> [work-from-home monitoring software](https://privacyinternational.org/long-read/5798/work-from-home-monitoring-software),<sup>5</sup> [the](https://privacyinternational.org/long-read/4909/wfh-watched-home-office-365-and-workplace-surveillance-creep)

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<sup>4</sup> <https://privacyinternational.org/long-read/5798/humanless-resources-uncovering-ai-recruitment-software>

<sup>5</sup> <https://privacyinternational.org/long-read/4909/wfh-watched-home-office-365-and-workplace-surveillance-creep>

[gig economy](#),<sup>6</sup> and [the creator economy](#)<sup>7</sup> — and found numerous issues that existing legal frameworks and voluntary good practice have failed to prevent, such as invasive surveillance in the workplace and lack of transparency around decisions impacting workers.

## 1. Opacity of how a technology actually works

Taking the case study of workplace monitoring algorithms affecting gig economy workers, opaque performance monitoring algorithms undermine workers' rights to information and transparency. Gig economy drivers have little visibility into how the scores determining their work allocation/payments/deactivation etc are calculated, and companies have actively declined to explain this logic [even under formal legal data access requests](#).<sup>8</sup>

Content creators have a similar relationship to the platforms that decide their payouts and, in a way, employ them. They have reported frequent, unexplained changes to the algorithms governing their visibility and promotion, with no rationale provided before or after the change.

This opacity is not confined to monitoring workers once they are in post — it extends to the point of hiring itself. Privacy International's [investigation into two AI recruitment platforms](#), Manatal and Talenteria, found that identical CVs submitted for identical roles received inconsistent “match scores” from the same algorithm, and that neither platform offered a meaningful explanation of how qualitative information from a CV was translated into a numerical score. This opacity was for both the applicants and for the employers relying on the system, who were not informed how the tools worked.

Across these environments, workers have been left unable to understand the system that was materially affecting their work or income — this can have negative effects on workers, their morale and their output, and WMT should not be used in similarly opaque ways without these risks and harms being addressed first.

## 2. Information asymmetries and access to data

Gig economy platforms have been known to withhold or only partially fulfil data subject access requests. This means that workers are unable to access information like their own location data at all. Our [research](#)<sup>9</sup> found that it required hundreds of formal requests and regulator complaints, something which the average worker would not be able to complete.

These principles should aim to eliminate these practices and demand greater upfront transparency.

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<sup>6</sup> <https://privacyinternational.org/long-read/4709/managed-bots-surveillance-gig-economy-workers>

<sup>7</sup> <https://privacyinternational.org/long-read/5013/creating-content-gig-economy-risky-business>

<sup>8</sup> <https://privacyinternational.org/long-read/4709/managed-bots-surveillance-gig-economy-workers>

<sup>9</sup> <https://privacyinternational.org/long-read/4709/managed-bots-surveillance-gig-economy-workers>

There also should not be information asymmetry between what an employer can see about a worker and what a worker can see about themselves. [Our research on Office 365](#)<sup>10</sup> found that administrators could access individual-level activity data while workers had no equivalent visibility of their own — no dashboard, and no notification when audit or content-search features were switched on.

### 3. Lack of notification and the observer effect

Workers may not be notified when invasive monitoring software is activated, leading to a culture of suspicion and [an erosion of trust](#).<sup>11</sup> The lack of trust in a workplace can result in a decrease in actual productivity and an increase in staff resignations.

Additionally, when metrics are generated through worked behaviour, workers might choose to mess with the data to their benefit (such as setting up ‘fake’ meetings with like-minded colleagues in order to increase their performance statistics), which in itself undermines the validity of these metrics to their core.

### 4. No explanation for, or effective route to challenge, decisions once made

Many gig economy workers were suspended or deactivated by automated decisions with little to no explanation, and the practical burden fell on the worker to [prove their innocence](#)<sup>12</sup> rather than on the employer to justify the decision.

The lack of transparency in the AI recruitment tools PI investigated also made it difficult for employers to explain the basis of a decision, and correspondingly difficult for candidates to exercise data subject rights or challenge an automated outcome. The investigation also found that neither platform offered human reviewers the ability to edit or override the AI-generated score before it shaped a candidate’s progress through the process.

Similarly, [content creators faced unexplained account actions](#)<sup>13</sup> — demotions, suspensions, bans — following algorithmic changes, again with no clear route to understand or contest the basis for the decision.

The principles must back up the necessary requirement for explainability, transparency and challengeability of algorithmic decisions, such as an algorithm’s decision to terminate a content creator from a platform or, in comparative workplace scenarios, an algorithm’s opaque assessment of a worker’s performance that could result in their suspension or otherwise other negative impacts in the workplace.

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<sup>10</sup> <https://privacyinternational.org/long-read/4909/wfh-watched-home-office-365-and-workplace-surveillance-creep>

<sup>11</sup> <https://hbr.org/2024/02/surveillance-employees-erodes-trust-and-puts-managers-in-a-bind>

<sup>12</sup> <https://privacyinternational.org/long-read/4709/managed-bots-surveillance-gig-economy-workers>

<sup>13</sup> <https://privacyinternational.org/long-read/5013/creating-content-gig-economy-risky-business>

**Question 28.** To what extent do you agree that local engagement with workers, trade unions or elected representatives is important to the responsible use of WMT?

- Strongly disagree
- Disagree
- Agree
- Strongly agree
- Don't know

**Our answer:** Strongly agree

**Question 29.** What do you believe meaningful worker engagement looks like in practice?

**Our answer:**

Before proposals for WMT are even developed, employers should consult with workers as to whether such monitoring is necessary at all, given the negative impact it may have on their staff and their business in the future.

Workers and their representatives should be consulted before WMT is introduced. That consultation must provide detailed information about the data collection practices and algorithms used to make decisions, including the inputs and parameters involved. Workers must know what is being monitored, what data will be collected and for how long, the purpose and reason for monitoring and data collection, who will have access to it, what safeguards are in place, and what options for appeal exist for workers.

Employers should also provide for hands-on technical assessment of proposed WMT, such as access to a sandbox or the source code, to workers, unions and other technical experts, so that scrutiny can happen before problems arise rather than only after them. This ensures that [worker representatives can independently assess the system for potential risks, biases and abuses](#).<sup>14</sup> An employer's word is no suitable substitute for research by an unbiased, informed party. Where necessary, employers must provide workers with the technical support and expertise required to understand and engage with their proposals.

Workers should also be involved in any impact assessments that are produced ahead of WMT rollout. This impact assessment should be conducted before any decision to deploy WMT is finalised, not used to justify a decision already made.

[Privacy International's work with Worker Info Exchange and the App Drivers and Couriers Union](#)<sup>15</sup> found that gig economy drivers were routinely subject to decisions — dispatch prioritisation, suspension, deactivation — shaped by systems they had no opportunity to

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<sup>14</sup> <https://privacyinternational.org/long-read/5752/transparency-and-explainability-algorithmic-decisions-work>

<sup>15</sup> <https://privacyinternational.org/campaigns/managed-by-bots>

question before they were deployed. This left workers and their representatives limited visibility or avenues for redress once a decision affecting them had already been made.

**Question 40.** Based on the description above, would a requirement to consult and negotiate with trade union or employee representatives before the introduction of WMT better support the responsible adoption and use of WMT and increased worker voice?

**Our answer:** Yes