

ALGORITHMIC MANAGEMENT IN OCCUPATIONAL RISK CONTEXTS: BALANCING PRIVACY AND SAFETY IN THE WORKPLACE

Jessica Fernandes Rocha *

Abstract: Algorithmic management in the workplace has been widely adopted in sectors with high occupational risks due to its potential to mitigate such hazards. However, its use is associated with significant challenges regarding privacy and the protection of workers' personal data. This article examines the implementation of artificial intelligence (AI) in employee management within occupational risk contexts, focusing on psychosocial impacts, privacy risks and applicable technical and organizational measures aimed at reconciling data protection with personal safety in these settings. In addition, it presents a case study on the use of geolocation systems in mining environments, highlighting the measures adopted to avoid trade-offs between occupational safety and privacy. The analysis demonstrates that although AI use in this context may reduce labor risks, its application requires strict safeguards to prevent disproportionate impacts on individuals' privacy. Ultimately, the article discusses concepts and practices aimed at ensuring the responsible use of AI, reconciling technological innovation with fundamental rights in the workplace.

Keywords: Artificial Intelligence; Data Protection; Labor relations; Occupational Risk.

INTRODUCTION

The growing adoption of algorithmic management tools in the workplace, also known as AI-based Worker Management (AIWM), has sparked intense global debate about their impact on occupational health and safety, as well as on workers' privacy. Although in the context of occupational safety these AI systems offer significant potential for risk mitigation and prevention, their use is associated with numerous challenges for an implementation that aligns with workers' fundamental rights.

These technologies based on Artificial Intelligence (AI) “may also provide an opportunity to improve OSH surveillance, reduce exposure to various risk factors, including harassment and violence, and provide early warnings of stress, health problems and fatigue.”¹ In addition, AI can enhance

* Master of Laws, Federal University of Minas Gerais (UFMG), Minas Gerais, Brazil. Email: jrocha@viseu.com.br / ORCID iD: <https://orcid.org/0009-0003-4985-9086>

¹ European Agency for Safety and Health at Work (EU-OSHA), *Impact of Artificial Intelligence on Occupational Safety and Health 2* (2021), <https://osha.europa.eu/en/publications/impact-artificial-intelligence-occupational-safety-and-health> (last visited Apr.

accident prevention by analyzing real-time data to identify patterns of fatigue and suggest corrective measures². The European Agency for Safety and Health at Work (EU-OSHA) warns that “however, the use of AI to manage workers also poses numerous risks to OSH, especially in terms of psychosocial risks.”³

In this regard, the Agency notes that “the need to collect data about workers should be balanced against the rights of workers to privacy and their safety and health,”⁴ highlighting the importance of transparency in the processing of their data. This is because continuous monitoring may result in excessive surveillance, reduced professional autonomy, and increased psychological pressure in the workplace⁵. Thus, particularly in data protection matters, potential disproportionate impacts on workers must be approached with great caution, since, as emphasized by the Brazilian National Data Protection Authority (ANPD), “in the context of the employment relationship, employees are in a position of greater vulnerability *vis-à-vis* their employer and do not have effective means to oppose the processing.”⁶

Given this scenario, it becomes essential to discuss strategies for the proper implementation of these technologies, restricting them to contexts in which they are justifiable, ensuring they serve legitimate purposes, and avoiding situations in which, when applied to mitigate occupational risks, potential safety gains end up creating trade-offs with other legally protected guarantees. Measures in the field of algorithmic governance, including those

23, 2025), 2.

² European Agency for Safety and Health at Work (EU-OSHA), *Worker Management Through AI: From Technology Development to the Impacts on Workers and Their Safety and Health* (2024), <https://healthy-workplaces.osha.europa.eu/en/publications/worker-management-through-ai-technology-development-impacts-workers-and-their-safety-and-health> (last visited Mar. 4, 2025).

³ European Agency for Safety and Health at Work (EU-OSHA), *Artificial Intelligence for Worker Management: Prevention Measures* (2022), <https://osha.europa.eu/en/publications/artificial-intelligence-worker-management-prevention-measures> (last visited Feb. 3, 2025), 1.

⁴ European Agency for Safety and Health at Work (EU-OSHA), *Impact of Artificial Intelligence on Occupational Safety and Health 2* (2021), <https://osha.europa.eu/en/publications/impact-artificial-intelligence-occupational-safety-and-health> (last visited Apr. 23, 2025), 2.

⁵ European Agency for Safety and Health at Work (EU-OSHA), *Impact of Artificial Intelligence on Occupational Safety and Health 2* (2021), <https://osha.europa.eu/en/publications/impact-artificial-intelligence-occupational-safety-and-health> (last visited Apr. 23, 2025), 2.

⁶ Autoridade Nacional de Proteção de Dados (ANPD), *Guia Orientativo: Hipóteses Legais de Tratamento de Dados Pessoais – Legítimo Interesse* (2024), https://www.gov.br/anpd/pt-br/documentos-e-publicacoes/guia_legitimo_interesse.pdf (last visited Mar. 3, 2025), 25.

specifically aimed at privacy, play an important role in light of the identified risks, fostering the responsible application of AI in the workplace.

I. RISKS AND OPPORTUNITIES RELATED TO ALGORITHMIC MANAGEMENT IN OCCUPATIONAL HEALTH AND SAFETY

The European Agency for Safety and Health at Work (EU-OSHA) highlights that algorithmic management may generate effects related to work intensification and loss of control over one's own working time, heightening occupational stress and compromising workers' well-being and mental health⁷:

The most common complaint is that workers feel reduced autonomy because their decision-making capacity is limited. They feel they are no longer in control of their work. In addition, they feel pressured to work faster, causing work-related stress, health problems, and accidents⁸.

The report from the workshop “*Practices towards algorithmic management and their impact on workers*”, published by the ILO⁹, presents findings from research aimed at examining the impacts of algorithmic management on workers. The document references remarks by various participants, such as Konstantinos Pouliakas, from the European Centre for the Development of Vocational Training, arguing that “ratings and surveillance limit the possibility of making mistakes, conducive to continuing learning. Algorithmically determined targets put pressure and additional time barriers to the learning process”¹⁰

⁷ European Agency for Safety and Health at Work (EU-OSHA), *Worker Management Through AI: From Technology Development to the Impacts on Workers and Their Safety and Health* (2024), <https://healthy-workplaces.osha.europa.eu/en/publications/worker-management-through-ai-technology-development-impacts-workers-and-their-safety-and-health> (last visited Mar. 4, 2025).

⁸ European Agency for Safety and Health at Work (EU-OSHA), *Worker Management Through AI: From Technology Development to the Impacts on Workers and Their Safety and Health* (2024), <https://healthy-workplaces.osha.europa.eu/en/publications/worker-management-through-ai-technology-development-impacts-workers-and-their-safety-and-health> (last visited Mar. 4, 2025).

⁹ International Labour Organization (ILO), *Technical Workshop on Digital Platforms and Algorithmic Management: Meeting Report* (2021), https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@ed_emp/documents/meetingdocument/wcms_810116.pdf (last visited Apr. 5, 2025).

¹⁰ International Labour Organization (ILO), *Technical Workshop on Digital Platforms and Algorithmic Management: Meeting Report* (2021), https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@ed_emp/documents/meetingdocument/wcms_810116.pdf (last visited Apr. 5, 2025), 10.

The report also highlights important conclusions, such as those of Alex Wood, from the University of Birmingham, explaining that “computer power and data collection boosted the potential for algorithmic decision-making, towards algorithmic management, namely the use of algorithms transforming input data to output for management decisions.”¹¹ Annarosa Pesole, from the Italian Ministry of Labour and Social Affairs, likewise provided relevant remarks, pointing to risks associated with algorithmic management, “including bias and discrimination, higher control and surveillance, worsening working conditions, lower bargaining power, detriment of employment contract and endangering of workers’ dignity.”¹²

In this sense, AI systems used to monitor work activities are frequently associated with disproportionate impacts on workers and may even conflict with the principle of necessity within the Brazilian General Data Protection Law (LGPD), defined as “limitations on processing to the minimum necessary to achieve its purposes, involving data that are relevant, proportional, and not excessive in relation to the purposes of the processing.”¹³ Excessive or unjustified surveillance directly harms the constitutional right to privacy, conflicts with various data protection provisions, and represents a pressure factor capable of generating or aggravating psychosocial risks in the workplace. In the same line of reasoning, the Brazilian National Data Protection Authority (ANPD), in its *Guidance on the Legal Bases for Processing Personal Data: Legitimate Interest* (February 2024), provides the following example:

Installation of software to track employee activities and measure productivity

A company invokes legitimate interest to justify using software that tracks employees’ activities, including webcam use and logging everything typed on company computers. The objective is to measure employee productivity and identify any improper sharing of confidential information.

Analysis • In this case, the collection of data—including images and keystrokes—interferes excessively and disproportionately with the

¹¹ International Labour Organization (ILO), *Technical Workshop on Digital Platforms and Algorithmic Management: Meeting Report* (2021), https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@ed_emp/documents/meetingdocument/wcms_810116.pdf (last visited Apr. 5, 2025), 3.

¹² International Labour Organization (ILO), *Technical Workshop on Digital Platforms and Algorithmic Management: Meeting Report* (2021), https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@ed_emp/documents/meetingdocument/wcms_810116.pdf (last visited Apr. 5, 2025), 3.

¹³ Art. 6º, III, LGPD. Brazil, Law No. 13.709, de 14 de agosto de 2018 (Braz.), http://www.planalto.gov.br/ccivil_03/_Ato2015-2018/2018/Lei/L13709.htm (last visited Mar. 3, 2025).

employees' fundamental rights and freedoms and contradicts their reasonable expectations, even if the activity was previously informed or included in a privacy policy. The collection goes well beyond what is necessary to achieve the intended purposes, and it would not be reasonable for employees to expect such extensive data collection. Moreover, within the employment relationship, employees are in a position of greater vulnerability vis-à-vis the employer and lack effective means of opposition. For these reasons, the processing cannot be carried out, and the legal basis of legitimate interest would not be admissible here, as the employees' rights and freedoms prevail in the concrete case¹⁴.

The United Kingdom's Information Commissioner's Office (ICO), the regulatory authority for privacy and data protection, adopts a similar rationale: whenever the same purpose can be achieved through less intrusive methods, employers must prefer those alternatives¹⁵. For example:

After an employer discovers that a small number of remote workers started later than they recorded on their timesheets, it rolls out device monitoring. This allows senior management to access automatic webcam images and check if workers are at work.

This is likely to infringe data protection law because it is disproportionate, and there are less intrusive ways to check start times. The employer can achieve the same purpose by checking the times workers log onto the computer system, and then give workers the opportunity to explain any discrepancies¹⁶.

On the other hand, the ICO has also provided a practical example where worker monitoring is, in principle, linked to legitimate and legally justified purposes¹⁷:

A miner would reasonably expect to wear a tracking device within a mine. This would be due to the dangerous work they undertake, the risks involved in potential accidents and the need to keep track of their

¹⁴ Autoridade Nacional de Proteção de Dados (ANPD), *Guia Orientativo: Hipóteses Legais de Tratamento de Dados Pessoais – Legítimo Interesse* (2024), https://www.gov.br/anpd/pt-br/documentos-e-publicacoes/guia_legitimo_interesse.pdf (last visited Mar. 3, 2025).

¹⁵ A premise that applies not only to personal data processing activities in general, but also specifically within the scope of employment relationships.

¹⁶ United Kingdom, Information Commissioner's Office (ICO), *Data Protection and Monitoring Workers* (2025), <https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/employment/monitoring-workers/data-protection-and-monitoring-workers/> (last visited Apr. 8, 2025).

¹⁷ The aforementioned tracking of workers in mining environments is examined in greater depth in the case study presented in Section 2 of this article.

location within the mine.

However, an office worker would not reasonably expect to wear a tracking device in an office setting. There is far less risk working day-to-day in an office than a mine and office workers would not reasonably expect such a level of monitoring¹⁸.

Today, employee monitoring technologies can assess whether workers are in restricted areas or approaching hazards such as moving forklifts or off-road trucks. Monitoring in contexts of concrete safety risks, aimed at mitigating them, generally does not produce disproportionate impacts because it yields concrete benefits that are crucial for the data subject. In addition, such practices are more likely to comply with the principle of necessity¹⁹, since although they involve significant data processing, the data may be “relevant, proportional, and not excessive”²⁰ to achieve a purpose widely recognized by the legal order—ensuring occupational safety.

Importantly, major AI legislative initiatives classify the use of AI in employment relations as high-risk. Under Annex III, paragraph 4 of the EU AI Act²¹, as well as article 14, III of Brazilian Bill 2338/2023²², AI systems used for worker management are categorized as high-risk systems. Both frameworks adopt a risk-based approach, establishing obligations that scale according to the level of risk, resulting in stringent requirements for actors within the value chain of such tools.

II. CASE STUDY – GEOLOCATION IN MINING OPERATIONS

The use of algorithmic management tools for real-time monitoring of workers has been implemented across various high-risk sectors where occupational safety is a major challenge. A case study conducted at one of Sweden’s largest mining companies analyzed the adoption of a Wi-Fi-based

¹⁸ United Kingdom, Information Commissioner’s Office (ICO), *Data Protection and Monitoring Workers* (2025), <https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/employment/monitoring-workers/data-protection-and-monitoring-workers/> (last visited Apr. 8, 2025).

¹⁹ Art. 6º, III, LGPD. Brazil, Law No. 13.709, de 14 de agosto de 2018 (Braz.), http://www.planalto.gov.br/ccivil_03/_Ato2015-2018/2018/Lei/L13709.htm (last visited Mar. 3, 2025).

²⁰ Art. 6º, III, LGPD. Brazil, Law No. 13.709, de 14 de agosto de 2018 (Braz.), http://www.planalto.gov.br/ccivil_03/_Ato2015-2018/2018/Lei/L13709.htm (last visited Mar. 3, 2025).

²¹ Europe, EU Artificial Intelligence Act, Annex III: High-Risk AI Systems Referred to in Article 6(2) (Future of Life Inst. 2025), <https://artificialintelligenceact.eu/annex/3/> (last visited Mar. 5, 2025).

²² Brazil, Senado Federal, *Projeto de Lei No. 2338/2023* (2023), <https://legis.senado.leg.br/sdleg-getter/documento?dm=9881643&ts=1734649440814> (last visited Mar. 5, 2025).

tracking system to monitor workers' locations inside mines. The decision to implement this technology was motivated by an incident in 2013, in which 22 workers were trapped following an underground collapse²³. The primary goal of the system was to provide real-time data to facilitate emergency rescues and improve communication in high-risk underground environments.

The real-time monitoring system was designed to track workers' movements through GPS and sensors installed in helmets and personal protective equipment. In an emergency, the technology enables the rapid identification of employees' locations, allowing for swift response by rescue teams. Additionally, the system was designed to provide guidance on safe routes within the mine, reducing the risks associated with movement in unstable areas. However, the implementation of this type of technology raised privacy concerns, particularly regarding the potential use of data for continuous monitoring of workers' productivity.

To mitigate these risks, union representatives negotiated the inclusion of worker privacy protections. One of the main safeguards implemented was the anonymization of data, ensuring that location information would be accessed only in emergency situations. Moreover, it was agreed that only specifically designated supervisors would be authorized to link the system's numerical identifiers to individual workers, thereby limiting the risk of improper surveillance. These restrictions were essential to ensure that the monitoring tool would be used exclusively for safety purposes and not for unrelated objectives involving surveillance or performance control.

III. RECONCILING PRIVACY AND SAFETY IN CONTEXTS OF OCCUPATIONAL RISK

The adoption of algorithmic systems in occupational risk environments requires a governance model that reconciles technological innovation with the protection of workers' fundamental rights, especially their privacy and autonomy. In workplaces where technologies such as AI for Worker Management (AIWM) are applied, the power asymmetry inherent in employment relationships heightens the risk of disproportionate data processing.

In this scenario, it is important to develop practices guided by *privacy by design* and human-centric AI governance, combined with specific privacy governance measures. Among these, the preparation of a Data Protection

²³ Molina, Óscar, Maria Caprile, Juan Arasanz, Pablo Sanz de Miguel & David Moral-Martín, *Worker Participation and Representation: The Impact on Risk Prevention of AI Worker Management Systems* (Publ'ns Office of the Eur. Union 2024), https://osha.europa.eu/sites/default/files/documents/Worker-participation-representation-impact-risk-prevention-AI-worker-management_EN.pdf (last visited Feb. 19, 2025).

Impact Assessment (DPIA) is essential for high-risk systems involving continuous monitoring, large-scale data collection, or automated decisions with significant impact. As EU-OSHA advises, the precautionary principle should guide the design and operation of AIWM systems in work environments, in order to anticipate risks to workers' health and safety. For example:

When introducing AIWM systems in the workplace, a precautionary principle is advised. Often, given the newness of the technology, it is impossible to predict all risks that might arise due to the use of an AIWM system. Hence, a human-centred approach should be adopted to carefully inform all the stages in designing, developing, integrating, using and assessing AIWM systems..

EU-OSHA (2022a) suggests that a strong 'prevention through design' approach that integrates a human-centred approach in the design and usage of AIWM is needed. AIWM should be designed, implemented and managed in a trustworthy, transparent, empowering and understandable way, guaranteeing workers' consultation, participation and equal access to information, as well as putting humans in control, and therefore ensuring that AIWM is used not to replace workers but to support them. This can be achieved through different means, including open and effective dialogue, worker training and active participation in the development, implementation, use and evaluation of such systems, increasing awareness of relevant stakeholders (for example, developers, workers, employers) on how AIWM systems might negatively affect OSH, and creating a strong ethical framework describing how AIWM should be developed, implemented and used, as well as ensuring compliance with existing legal provisions applicable to AIWM²⁴.

The DPIA in these contexts must cover, in a specific manner, psychosocial risks such as occupational stress and feelings of excessive surveillance, as well as legal risks related to abusive or purpose-deviated processing. This aligns with the controller's duty to adopt technical and administrative measures capable of protecting personal data (LGPD, art. 46)²⁵, including limiting collection to the minimum necessary and anonymizing data whenever possible and compatible with the initiative's

²⁴ European Agency for Safety and Health at Work (EU-OSHA), *Artificial Intelligence for Worker Management: Prevention Measures* (2022), <https://osha.europa.eu/en/publications/artificial-intelligence-worker-management-prevention-measures> (last visited Feb. 3, 2025), 2.

²⁵ Brazil, Law No. 13.709, de 14 de agosto de 2018 (Braz.), http://www.planalto.gov.br/ccivil_03/_Ato2015-2018/2018/Lei/L13709.htm (last visited Mar. 3, 2025).

legitimate purposes.

Moreover, the effective governance of these technologies depends on the adoption of algorithmic explainability mechanisms, ensuring that supervisors and workers understand the decision-making criteria used by the systems. Clarity regarding algorithmic logic is essential not only for compliance with the principle of transparency (LGPD, art. 6, VI)²⁶, but also for building institutional trust. Cass Sunstein notes that even simple explanations of how a system functions can significantly increase levels of trust²⁷. These measures should be accompanied by continuous training programs—both technical and legal—for workers and corporate leadership. Additionally, periodic internal audits and multidisciplinary monitoring mechanisms are relevant to assess the real impacts of the technology on workers' health, safety, and dignity.

Concerning supervisors, managers, and other agents who handle or use data from monitoring systems, it is essential to implement measures that mitigate risks such as excessive surveillance and purpose deviation. When personal data is processed in contexts incompatible with anonymization techniques, the establishment of formal confidentiality duties is especially important, including clear and proportionate sanctions for misuse. Access control must be strictly based on the criterion of necessity, ensuring that only authorized personnel directly involved in monitoring-compatible operations may access the relevant data.

On the workers' side, governance measures must include the preparation of informative and didactic materials that ensure transparency and effective understanding of how their personal data is processed. These materials should clearly and accessibly explain: (a) which data is collected during working hours and, where applicable, how workers can avoid monitoring outside work times and spaces; (b) the specific purposes for which this data is processed; and (c) the legal and organizational limits on the use of this information, including retention periods and eventual deletion.

Communication should rely on accessible language and may be complemented with visual resources—such as infographics and icons—that facilitate content assimilation. It is also advisable to provide a complete privacy notice, adapted to the workplace reality, including an explicit contact channel with the organization's Data Protection Officer so that workers can ask questions and exercise their data subject rights. These practices are essential to mitigate informational asymmetries, reinforce the principles of transparency and informational self-determination, and promote the appropriate use of monitoring technologies in the workplace.

²⁶ Brazil, Law No. 13.709, de 14 de agosto de 2018 (Braz.), http://www.planalto.gov.br/ccivil_03/_Ato2015-2018/2018/Lei/L13709.htm (last visited Mar. 3, 2025).

²⁷ Sunstein, Cass R., *The Use of Algorithms in Society*, Harv. Pub. L. Working Paper, 23–46 (2022), <https://dx.doi.org/10.2139/ssrn.4310137> (last visited Mar. 14, 2025).

CONCLUSION

The risks and opportunities involved in algorithmic management for occupational safety require companies to adopt a responsible and legally grounded approach when using these technologies. Arbitrary, excessive, unjustified monitoring practices without a clear potential to contribute to mitigating the specific risks of the occupational context are likely to generate disproportionate impacts, particularly by creating or worsening psychosocial risks.

The case study examined shows that, although such tools are promising for enhancing safety levels in high-risk environments, their use must be carefully assessed to avoid privacy violations and purpose deviations, especially those related to excessive surveillance and abusive oversight of workers.

This approach requires significant technical and organizational measures in the development and implementation of such solutions, as well as transparency and worker participation concerning the monitoring parameters. The reconciliation between innovation and the protection of fundamental rights—such as privacy, health, and safety—should guide initiatives in this area, preventing trade-offs between these guarantees.

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Jessica Fernandes Rocha

Senior Attorney in Privacy and Data Protection at Viseu Advogados, holding the international certifications “Certified Information Privacy Manager” (CIPM) and “Data Protection Officer Certified in Brazil” (CDPO/BR) from the International Association of Privacy Professionals (IAPP). She holds a Master of Laws from the Federal University of Minas Gerais (UFMG). Specialist in Digital Labor Law, Labor Compliance, and LGPD. Author of chapters in legal books and researcher with the Study Group on Law and Technology at UFMG (DTec-UFMG). Member of the Data Protection Commission of the Brazilian Bar Association, Minas Gerais Chapter (OAB/MG), and of the Artificial Intelligence Commission of OAB/MG.

Email: jrocha@viseu.com.br

ORCID iD: <https://orcid.org/0009-0003-4985-9086>