Algorithmic information in the workplace

GUIDE TO CORPORATE OBLIGATIONS ON THE USE OF ALGORITHMIC INFORMATION IN THE WORKPLACE AND INSTRUMENT FOR PRACTICAL APPLICATION

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1. Introduction

Companies are making increasing use of algorithms or artificial intelligence systems to make automated decisions that affect workers in terms of hiring, schedules, performance evaluation, productivity control, promotions, dismissal, etc. These methods are sometimes unknown to the workers concerned or to job candidates, who may be under the impression that the decisions are made by human beings.

This proliferation of smart technology and automated decision systems might endanger the fundamental rights of workers, in areas such as the right to privacy (Article 18.1 of the Spanish Constitution, henceforth SC), to the protection of personal data (Art. 18.4 SC), to equality and non-discrimination (Art. 14 SC) and to occupational health and safety (Art. 15 SC).

In this context, current regulations require companies to provide information enabling those concerned to know that their data are being processed in an automated manner and that certain elements of their employment relationship (hiring, working conditions, dismissals, etc.) are determined by an algorithm.

The aim of this guide is to present in a single document the obligations and rights pertaining to algorithmic information in the Spanish legal-labour system. In other words, it sets out the company's obligations regarding the information that must be provided to workers and their legal representation, together with the information they may legally request. In addition, the guide describes the company's obligations regarding algorithm negotiation and auditing and impact assessment.

Finally, the guide includes a **questionnaire that can be used to identify and systematise information obligations** arising from the use of algorithms and automated decision systems in the workplace.

2. Some technical aspects of algorithms and automated decision systems

2.1. What is an algorithm? And an automated decision system?

An **algorithm** can be defined as **an ordered finite set of operations or rules** that produces the solution to a problem, which may or may not be implemented through computer programs. An **automated decision system is an automated process based on the use of data and algorithms to optimise decision making**. An automated decision system may be composed of one or more algorithms.

In brief, there are **two types of automated decision systems.** On the one hand, those which are programmed more or less explicitly, in which the programmer writes a series of specific rules that the system will follow to make decisions. On the other hand, there are automated decision systems, which learn these rules implicitly by means of data analysis, identifying statistical patterns and making automated decisions accordingly. These rules or instructions, whether programmed or learned automatically through artificial intelligence or statistical techniques, are termed **models**.

Some statistical or artificial intelligence techniques produce **'black box'** models, which generate algorithms or models whose procedures, logic and variables are not immediately obvious or knowable.

2.2. How are algorithms and automated decision systems used in the workplace?

Artificial intelligence, algorithms and automated decision systems are present in many areas and stages of personnel management, including:

→ **Personnel selection and hiring,** through products that may perform either the entire process or one or more of the stages involved, such as: (i) selection (for example, the segmented publication of the job offer via social networks or platforms, or the processing of applicants' CVs); (ii) pre-selection or organisation of candidates; (iii) job interview (for example, chatbots to gather further information, or facial recognition systems or psychometric tests to generate indicators of personal qualities); (iv) hiring (for example, predictive models to personalise the salary offer).

→ **Monitoring and surveillance in the workplace,** through facial recognition systems, wearable technologies, smartphones or the processing of data available on social networks.

→ **Direction and management of work activities,** using automated decision systems to assign tasks, set schedules, determine salaries, control productivity, evaluate performance, implement promotions or dismissals, etc.

2.3. How is an automated decision system designed and built?

The **design and building** of an automated decision system depend on many decisions, and so the final systems obtained may differ widely. Any change in the selection of training data, the pre-processing, the fitting method, the variables included or their relative weights in the algorithm will affect the characteristics of the model.

As some artificial intelligence techniques, known as "black boxes", can be difficult to interpret or explain, one way of understanding what an automated decision system does may be to examine how it is constructed.

In summary, the design and construction of an automated decision system consists of the following main stages:

1. First, the designer must **formulate the problem** to be solved (for example, how to automatically process the large number of CVs received for a job and/or shortlist the best qualified applicants). Then, **the data needed to structure the system must be identified and these data extracted or obtained**, whilst ensuring compliance with applicable data protection regulations (for example, in systems for personnel selection, data from the current workforce could be used to identify statistical patterns in the characteristics of the persons employed by the company).

2. **System development** involves, firstly, **selecting and fitting the model**, from among the options available, including the possibility of using already-trained models for generic tasks related to artificial vision or natural language processing (which are often reused or adapted in this phase). Among the various types, there are scoring models, which assign a numerical value within a given range; predictive models, which assign labels or scores to create human profiles; and descriptive models, which structure the data (for example, automatically grouping job candidates according to their skills level) or that enable managers to visualise complex data (for example, concerning communication networks among workers). This phase may also include **model testing and validation,** to measure quantitative performance and, where appropriate, to optimise the model parameters. Finally, the documentation of the model is an important aspect, providing a detailed record of the decisions and actions taken, in order to comply with legal obligations, among other issues.

3. **System deployment** refers to the system's implementation in a real environment, providing automated decision making. In this phase, there is usually an interaction between the algorithmic system and the persons responsible for monitoring and/or applying it. These workers must have or receive the **necessary training** to understand the system's logic and the decisions made. The use of the system must be monitored to ensure that it works according to expectations and that it is used responsibly and within the intended scope of application. Finally, as and when appropriate, the system must be **updated or replaced**.

3. Corporate obligations regarding algorithmic data

3.1. What algorithm-related information rights are regulated?

Current regulations include **two plans for information rights** regarding the use of algorithms or automated decision systems in the employment relationship: 1) an individual plan based on Article 22 of the General Data Protection Regulation Act (henceforth, GDPR); 2) a collective plan based on Article 64 of the Statute of Workers Rights (henceforth, SWR).

1) Individual right to information

Article 22 of the GDPR requires employers to provide relevant information to workers who are subject to fully automated decisions, including profiling, without human intervention.

Transparency in the use of algorithms and automated decision systems is considered essential to personal data protection, which requires that the use of technology to make business decisions be performed transparently, informing those affected of what methods are used and for what purposes (Article 6, GDPR).

The **individual right to obtain information on fully automated decisions** about workers (Articles 13.2.f, 14.2.g and 15.1.h, GDPR, in relation to Article 22) is addressed in this context.

In this respect, to be considered effective, **'human intervention' must be significant**, i.e. carried out by a person with competence and authority over the decision, appraised of all available information. When human intervention is limited to replicating the decision made by an algorithm, it cannot be viewed as significant, and the decision process must be considered fully automated and treated as such.n íntegramente automatizada.

Furthermore, the existence of human intervention should be apparent throughout the decision process, not only

in part. For example, if an algorithm selects the ten best candidates for a job vacancy, automatically ruling out all others, this constitutes an automated decision, even though the last ten are evaluated via human intervention.

2) Collective right to information

Article 64.4.d of the SWR requires employers to **provide relevant information to workers' collective representatives** concerning the use of algorithms or artificial intelligence systems regarding decisions that may affect **working conditions, access to employment or maintenance of employment**, including profiling.

3.2. Which employers are subject to algorithmic information obligations?

All employers that use algorithms or automated decision systems for personnel management (including decisions on selection, hiring, schedules, task allocation, productivity measurement, promotions, dismissals and salaries) are subject to algorithmic information obligations.

The type and level of information to be supplied, and those entitled to receive it, vary according to whether the workers have collective representation:

→ **All companies,** whether or not the workforce have collective representation, are required to provide individual information on automated decisions without human intervention that affect the workers. Moreover, the workers, individually or through their representation, may demand this information (Articles 13.2.f, 14.2.g and 15.1.h, GDPR, in relation to Article 22).

→ Companies where the workers **have collective representation**, in addition to the above-described information obligation to individuals, must comply with the collective information obligation, providing the workers' representatives with the information referred to in Article 64.4.d of the SWR.

3.3. What information must the company provide?

Employers' obligation to provide algorithmic information is regulated at two levels: individual and collective.

→ **At the individual level**, Articles 13.2.f, 14.2.g and 15.1.h of the GDPR, in relation to Article 22, require the employer to inform workers who are subject to automated decisions, including the preparation of profiles, on "the existence of automated decisions, including profiling, referred to in Article 22, sections 1 and 4, and, at least in these cases, significant information on the logic applied and on the importance and expected consequences of this process for those concerned".

→ **At the collective level**, Article 64.4.d of the SWR requires the company to inform the workers' legal representation of "the parameters, rules and instructions governing algorithms or artificial intelligence systems that affect decision-making with respect to working conditions, access to employment and maintenance of employment, including profiling.

Although these two types of information rights differ regarding their legal origin and the recipients of the information referred to, **the algorithmic information required presents elements that are common to both cases**.

According to the Spanish Data Protection Agency (henceforth, SDPA), the reference to "significant information on the logic applied" in Articles 13.2.f, 14.2.g and 15.1.h of the GDPR, in relation to Article 22, means this logic must be identified with sufficient information, i.e. that which provides an understanding "of the ways in which the data are processed, thus providing certainty and confidence about the results obtained" »[1].

→ The reference to "the parameters, rules and instructions governing algorithms or artificial intelligence systems" in Article 64.4.d of the SWR must be understood — notwithstanding the absence of technical consensus on the interpretation of these terms — as meaning the company is obliged to provide information regarding (a) the variables and parameters, i.e. the relative importance of each variable in the algorithm; and (b) the rules and instructions, referring to the programming rules that lead to the decision being taken. In essence, the joint reference to "parameters, rules and instructions" should be viewed as referring to the logic and operating characteristics of the algorithm, and its consequences.

The following highly simplified example illustrates how an algorithm can determine the order of deliveries made via an online platform. In this example, the algorithm assigns tasks based on only two variables: the riders' proximity to the restaurant and their availability during times of peak demand over the last two weeks. The parameters applied would be the weight of each of these variables in the decision-making process: firstly, riders situated more than 1 km from the restaurant are totally excluded from consideration; the task is then assigned according to the riders' distance (50%) and availability (50%). In other words, the following rules and instructions are applied: the order allocation is

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1. Ensuring that procedures incorporating artificial intelligence comply with the GDPR. An introduction, 2020..

made (i) excluding riders located more than 1 km from the restaurant; (ii) scoring on a scale from X to Y their proximity to the restaurant (weighted 50%) and the number of hours the rider was available during hours of high demand during the last two weeks (weighted 50%); (iii) the scores thus obtained are ranked from highest to lowest, and the delivery order is offered initially to the rider with the highest score; if this person rejects it, the order is offered to the next one on the list, and so on; finally, (iv) all other programming rules, such as applying the above instructions only to riders who are currently online, and excluding those who are currently delivering an order, also constitute rules and instructions.

In view of the above, it can be concluded that **Articles 13.2.f, 14.2.g and 15.1.h of the GDPR and Article 64.4.d** of the SWR, together with the other obligations regarding the provision of information to workers' legal representation under Article 64 of the SWR, **present the following common content** regarding the information to be provided by the company:

A **IInformation on the use of algorithms or artificial intelligence systems to make automated decisions,** including profiling, identifying the technology used and the personnel management decisions with respect to which this technology is used**.** In other words, the company must inform individual workers and their legal representation of the following points (regarding each algorithm used):

1. The use of algorithms and artificial intelligence systems to **make personnel management decisions, affecting current workers and/or job candidates.**

2. The use of algorithms or artificial intelligence systems **to create personal profiles** to be applied in the workplace.

3. **Specific personnel management decisions** made via algorithms or automated decision systems, such as selection, hiring, task assignment, productivity control or promotions.

4. **The type of technology used by the algorithm;** among other issues, whether it generates a "black box" algorithm and whether it is a continuous learning algorithm.

5. **The specific software or product used** and, if applicable, whether it has any type of certification, the details of the supplier and whether the company has made any changes to the product.

6. **The degree of skilled human intervention in the decisions made** via the use of algorithms and automated decision systems, including profiling. Specifically, the competence and authority of the human to deviate from the decision adopted by the algorithm.

B   Meaningful, straightforward information about the logic and operation of the algorithm, including the variables and parameters used.

According to SPDA guidelines , companies must provide the following information:

7. If profiling is performed by the algorithm, **the type of profiles created** and, for individual workers, according to Articles 13.2.f and 14.2.g of the GDPR, information on their own characterisation.

8. **The variables used by the algorithm,** i.e. the information or factors used to make the decision or create the profile, and **whether any of these variables are personal data**. For example, in an algorithm used in a selection process, the variables might include the candidate's education and professional experience

9. **The parameters used for automated decision making,** i.e. the weighting of each variable in the decision-making model, together with any changes in these parameters that modify the behaviour of the algorithm. In an algorithm used in personnel selection, the parameters would be the weight assigned to each variable in the decision. Continuing the above example, in a selection process, the model would order candidates according to their professional experience (valued at 40%), training (20%), etc. until 100% is reached.

10. **The rules and instructions used by the algorithm,** i.e. the programming rules (whether expressly programmed or derived by automatic learning) that result in decision making. Continuing with the example of order allocation from a delivery platform, the rules and instructions would be that the order allocation is made (i) excluding riders who are more than 1 km away from the restaurant, (ii) scoring on a scale from X to Y, awarding 50% to riders located less than 1 km from the restaurant and 50% to those with were available for at least 10 hours during periods of high demand in the last two weeks, (iii) assigning the order to the rider who obtains the highest score. Information on other programming rules, such as applying the above instructions only to riders currently online, excluding those currently delivering an order, etc., should also be provided.

11. **The training data and validation procedures used and their characteristics**. The reference to information about the logic of the algorithm (Articles 13.2.f, 14.2.g and 15.1.h of the GDPR) and to instructions (Article 64.4.d of the SWR) should be understood to include training data and, where appropriate, system validation, since these aspects also influence the algorithm's logic and/or instructions. Therefore, the company must supply information on (i) the training and validation data used, (ii) their quality (sufficiency, relevance and proportion to purpose) and (iii) the type of patterns identified in the training data.For example, in an algorithm used in personnel selection, the company should: (i) report that it has used workforce data for the last ten years; (ii) confirm that personal information was obtained in compliance with data protection requirements, especially the obligation to inform workers that their data would be reused in training an algorithm to create profiles; (iii) report that, by analysing the training data, it has identified relevant statistical patterns, for example, that workers with a given type of training perform better (for a given function) than those with no such training.

12. When personal data are used for profiling, **the precision of the automated tasks performed**

(classification, scoring, regression, etc.).[2]

C **Information on the potential consequences of any decision adopted through the use of algorithms or automated decision systems**-

13. **The potential consequences for the workers concerned of any decision adopted using algorithms or automated decision systems,** such as terms of access to employment, maintenance of employment, work conditions (salaries, task assignment, schedules, promotions, dismissals, etc.). For example, in a selection process based on an automated decision system, the consequences might include passing the first selection phase and obtaining an interview.

14. **The workers' legal representation** must also be informed about the possible impact of decisions taken via algorithms or automated decision systems on equality and non-discrimination. This requirement is derived from Article 64.3 of the SWR, which recognises the right of workers' representatives to access information regarding the company's application of legislation on equality and non-discrimination between men and women, and from Article 7 of Royal Decree 901/2020, referring to the elaboration of a Plan for Equality in the Workplace.

The information provided must be clear and understandable to persons without technical knowledge. The mere provision of technical information is unlikely to be sufficient, as it may be opaque or confusing.

The information provision requirements of Articles 13.2.f, 14.2.g and 15.1.h of the GDPR and 64.4.d of the SWR **do not oblige the company to provide the source code of the algorithm.**

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3.4. What types of algorithm are subject to information obligations?

The legislation in this respect does not clearly define the concept of algorithm. Accordingly, any algorithm used in the workplace for automated decision-making, including profiling, creates an obligation on the company to provide information about it.

However, there is an important difference between the obligation to provide algorithmic information to individual workers, on the one hand, and to their collective representation, on the other.

1. **Information rights of an individual nature are generated when the algorithm makes fully automated decisions that are without significant human intervention and affect the rights of workers** EU regulations in this respect apply a restrictive concept, only considering algorithms that make decisions autonomously and automatically, without human intervention, (for example, deciding which candidates are discarded from the selection process and which ones advance to the interview phase). Therefore, **this right to individual information is not recognised with respect to semi-automated decisions in which there is also human intervention**. Nevertheless, this human intervention must be significant, i.e. carried out by a person with competence and authority, with access to all relevant information, and not limited to merely validating the decision made by the algorithm.

2. By contrast, the obligation to provide information to workers' legal representation does not require that the decision be fully automated, and is also applicable to semi-automated decisions with human intervention.

The concept of algorithm considered by Article 64.4.d of the SWR does not require that decision-making be carried out without human intervention, but rather that the algorithms "affect" decision-making that "may affect" the worker. Thus, even if the algorithm is used as a simple support for the company's decision-making, Article 64.4.d of the SWR will apply. In other words, even if the algorithm does not determine the final decision taken about the worker, its mere use generates the information rights of the collective legal representation.

3.5. What types of decision are subject to algorithmic information obligations?

The company must comply with its algorithmic information obligations before adopting any decision on personnel management, such as selection, hiring and dismissal or the determination of working conditions.

→ Article 22 of the GDPR establishes workers' right to information regarding fully automated decisions that have **legal or similarly significant effects on personnel, including employment opportunities and labour rights**.

→ Article 64.4 of the SWR establishes workers' right to information regarding the use of algorithms that make decisions on **"working conditions, access to employment and maintenance of employment, including profiling"**.

Consequently, **all decisions regarding personnel management** are included in this information obligation, including selection and hiring, task assignment, schedules, wage scales, control and monitoring, productivity control, results assessment, promotion and dismissals.

3.6. Who may receive algorithmic data and under what circumstances?

Information on the use of algorithms for automated decision-making in personnel management **must be provided to the following persons, under these conditions:**

→ **To workers affected by fully automated decisions**, including profiling, as addressed in Articles 13.2.f, 14.2.g and 15.1.h of the GDPR. T**his information must be provided prior to data processing,** i.e. before the profile is created or the automated decision taken, in accordance with the precept of ensuring "legal, transparent data processing".

→ **To the workers' legal representation**, as addressed in Article 64.4.d of the SWR. Information on the use of algorithms must be provided **periodically**, as stipulated in the latter provision. Accordingly, it must be provided **before the algorithms are used and before any change takes place in the variables, parameters or any other characteristic of the algorithm.**

4. Obligation to negotiate the algorithm

4.1.　Is it obligatory to negotiate the algorithm?

As a general rule, there is no obligation to negotiate the algorithm with the workers' legal representation.

However, at a future date the Statute of Workers' Rights may be amended with respect to collective bargaining, for example, **obliging the company not only to inform, but also to negotiate** with the workers' legal representation concerning the variables, parameters or other characteristics of the algorithm or automated decision system that affect decision-making on working conditions, access to employment and maintenance of employment, including profiling. Such an amendment would extend the corporate duty of transparency in the use of algorithms.

A future collective agreement could also introduce a test of responsible use, foreseeing the use of algorithms in ways that might affect employment, for example, with the progressive introduction of robotics. This test of responsible use is recommended in the joint declaration on artificial intelligence by the European social agents in the insurance sector, on 16 March 2021, posing the question: would the implementation of artificial intelligence improve working conditions and consumer satisfaction, in an ethical and transparent way, and without (disproportionate) job losses?

Collective agreements play an important role in the recognition and development of working conditions, including salaries, schedules and promotion collective bargaining, detailing their scope and content. To the extent that the use of algorithms may affect these questions, it should be considered in collective bargaining.

An example of collective bargaining in this respect is the Collective Agreement reached in December 2021 between the Just Eat company and the trade unions CCOO and UGT, under the auspices of the FSP Interconfederal Mediation and Arbitration Service (SIMAFSP). Article 68 of this agreement requires human supervision of the use of algorithms and prohibits the use of data (for example, sex and nationality) that could produce discrimination. The agreement also acknowledges, as a reinforcement of transparency, that the workers' legal representation may request the company to facilitate explanations from the person responsible for supervising the algorithm.

4.2. What happens if the algorithm is used in the context of a collective dismissal?

Notwithstanding the absence of a general obligation to negotiate the algorithm, such an obligation does exist **when the algorithm is used in the framework of a collective dismissal**, for example, to determine the persons affected by the dismissal.

Article 51 of the SWR obliges the company concerned to open a consultation period with the workers' legal representation prior to any collective dismissal. The company is required to negotiate in good faith, although not to reach an agreement, and the question of the algorithm used to determine those affected by a collective dismissal should be included in the framework of such negotiations.

Similarly, **an algorithm used in the framework of other collective measures resulting in the modification or suspension of the employment contract**, such as a substantial modification of working conditions, as addressed in Article 41.4 of the SWR, geographical mobility (Article 40.2) or an application for the temporary regulation of employment (Article 47.3), **would also be subject to negotiation**. This also applies to any other algorithm regarding an issue that the company is legally obliged to negotiate with the workers' legal representation.

4.3. Is the company obliged to consult with its workers on the introduction of algorithms for personnel management?

Yes. Article 64.5 of the SWR establishes the right of the workers' legal representation to be informed and consulted "on all company decisions that could produce significant changes in terms of work organisation and employment contracts".

Additionally, section f) of the above provision states that the workers' legal representation has the right to issue a report, prior to company action in this respect, on the "implementation and review of work organisation and control systems, time studies, bonus and incentive systems and job evaluation".

Accordingly, **before the company introduces any algorithms or automated decision systems for personnel management**, including productivity measurement, the determination of working conditions or the maintenance of employment, **it must inform and consult with the workers' legal representation**.

5. Obligation to conduct an impact assessment and algorithmic audit

5.1. Is the company required to carry out an impact assessment?

Yes. During the design and implementation of an algorithm, the company must carry out an impact assessment (Article 35.3, GDPR).

There are at least two cases in which the use of algorithms by a company requires it to assess the impact caused, as stipulated in Article 35 of the GDPR and developed by the SDPA , as follows:

1. **Data treatment processes that involve automated decision-making or that greatly contribute to decision making**, including any type of decision that prevents a person from exercising a right or from accessing a good or service or forming part of a contract.

2. **Data treatment processes that involve the use of new technologies or an innovative use of consolidated ones,** including the use of technologies on a new scale, for a new purpose or combined with others, in a way that involves new ways of collecting and using data with potential risks to personal rights and freedoms.

An impact assessment is mandatory whenever corporate data processing, based on the use of new technologies, **poses a risk to workers' rights** (Article 35, GDPR).En este sentido, una única evaluación puede abordar una serie de operaciones de tratamiento similares que entrañen altos riesgos similares.[3]

The company must carry out the impact assessment before processing personal data. A single evaluation can address a series of similar data treatment operations that bear similar degrees of risk.

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3. Indicative list of types of treatment that require an impact assessment related to data protection, according to Article 35.4 of the GDPR and the Guide "Data Protection in Labour Relations".

The person responsible for the data treatment must be advised by the delegate for data protection, if such a person has been appointed, when performing the data protection impact assessment.

All impact assessments must contain at least the following:

→ A systematic description of the intended data processing operations and their purposes, including, where applicable, the legitimate interest pursued by the person responsible.

→ An assessment of the necessity and proportionality of the proposed data processing operations.

→ An assessment of the potential risks to personal rights and freedoms.

The measures provided to address the above risks, including guarantees, security measures and mechanisms that ensure the protection of personal data, and to demonstrate compliance with the GDPR, with respect for the rights and legitimate interests of interested parties and others affected (Article 35.7, GDPR).When the impact assessment reveals any risks to the fundamental rights of workers or job candidates (for example, the existence of discriminatory effects), the algorithm design must be modified.

5.2. Must an algorithmic audit be performed?

As a general rule, no.

However, **whenever the use of algorithms may affect workers' health and safety, this technology should be included in the audit of occupational risks.** An algorithmic audit underpins the company's compliance with its health and safety obligations, under Article 14 of Law 31/1995, of 8 November, on the Prevention of Occupational Risks.

Similarly, **when conducting a diagnosis for the preparation of an Equality Plan**, the company must include in the diagnosis the impact on equality produced by the algorithms and automated decision systems used.

In addition, the company could show **greater diligence in protecting workers' fundamental rights** by including **audit or compliance methodologies** in its algorithmic management of labour relations.

Appendix Algorithmic information questionnaire

The following questionnaire is provided to help companies comply with their algorithmic information obligations, as set out in Articles 13.2.f, 14.2.g and 15.1.h of the GDPR and 64.4.d of the SWR.

This instrument, in line with the above analysis of regulations concerning algorithmic information (see Section 3.3) **describes and systematises the company's information obligations towards its workers and their legal representation,** enabling the user to identify the main characteristics and technical details, and hence the logic and operation of the algorithm.

Algorithmic information questionnaire

A **General information about the use of algorithms or artificial intelligence systems to make automated decisions**

1. Does the company use or plan to use algorithms and automated decision systems for personnel management (existing workers or job candidates)?

2. Does the company use algorithms or automated decision systems to create individual profiles?

3. What personnel management decisions are automated by algorithms or artificial intelligence systems?

4. What kind of technology does the algorithm use?

   a) Does it generate a "black box" model?

   b) Is it a continuous learning algorithm?

   c) Who developed the model?

5. What software or product is used by the algorithm?

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a) What company supplied it?

....

b) Have any modifications or alterations been made to the software in your installation?

c) If so, what type and for what purpose?

....

d) Does the software have any kind of certification?

6. Is there qualified human intervention in the decision process?

a) If so, what is the degree of human intervention in the final decision?

....

b) What is the competence and authority of the person involved in the decision process?

....

c) To what extent can the human modify the decision adopted by the algorithm?

....

B   Information on the logic and operation of each algorithm used

7. 7.   What types of profile are created by the algorithm?

....

a) What profile is assigned to specific workers or candidates?

....

b) Has the profile been used or may it be used for a different purpose?

....

8. What variables are used by the algorithm?

....

a) Have personal data been included as variables?

b) What types of personal data are used?

....

c) Have information obligations been observed regarding the use and/or reuse of personal data?

....

d) What types of non-personal data are used?

....

9. What parameters does the algorithm use?

....

10. What rules and instructions are used by the algorithm in the decision-making process?

....

11. What training and/or data validation data are used by the algorithm?

....

a) Are the training data appropriate, relevant and not excessive?

b) Has this assertion been verified? If so, by whom?

....

c) Does the use of training data correspond to the purpose for which they were obtained?

d) What types of patterns have been identified in the training data?

....

12. Have errors or inaccuracies been detected in the algorithm's classification of people and creation of profiles?

a) What is the approximate percentage of error?

....

b) What are the performance values per profile?

....

13. What are the performance values per profile?

c) Are these assessments carried out with internal or external resources?

d) What results have the audits or impact assessments produced?

....

C Information on the possible consequences of automated decision or the use of the algorithm del uso del algoritmo

14. What consequences may arise for workers or job candidates from the decision adopted by the algorithm or from the profile created?

....

15. For the workers' legal representation, what is the impact of the algorithm in terms of equality and non-discrimination between women and men?

....

    a)   Is there evidence of potential bias issues?

    b)   Was the impact of the algorithm included in the diagnosis prior to drawing up an Equality Plan?

D   **Other information relevant for the workers' legal representation**

16. Have the workers or job candidates been informed about the use of algorithms for automated decision-making?