

## **Proposal for a Directive on improving working conditions in platform work**

### **Chapter V and VI – Danish comments**

DK finds it necessary to further clarify the relationship between the GDPR and the rules of the proposed directive as regards the tasks and duties of the supervisory authority. We would therefore appreciate the Commission's response to the following:

It follows from Article 19 of the proposed directive that: "The supervisory authority or authorities responsible for monitoring the application of Regulation (EU) 2016/679 shall also be responsible for monitoring the application of Article 6, Article 7(1) and (3) and Articles 8 and 10 of this Directive, in accordance with the relevant provisions in Chapters VI, VII and VIII of Regulation (EU) 2016/679."

It follows from Article 13 of the proposed directive that: "Without prejudice to Articles 79 and 82 of Regulation (EU) 2016/679, Member States shall ensure that persons performing platform work, including those whose employment or other contractual relationship has ended, have access to effective and impartial dispute resolution and a right to redress, including adequate compensation, in the case of infringements of their rights arising from this Directive."

Article 13 of the proposed directive concerns – in Denmark's view – access for platform workers to impartial dispute resolution (such as mediation) and to judicial review. This is supported, among other things, by the provision's reference to Articles 79 and 82 GDPR, which similarly concern the right to an effective legal remedy (judicial review) and the right to compensation.

However, Denmark finds it unclear to what extent a platform worker has the right to lodge a complaint with the competent supervisory authority concerning the processing of his or her personal data in violation of the provisions in Chapter 3 of the proposed directive.

Naturally, algorithmic management of platform workers will involve the processing of personal data, which a data subject may file a complaint about to the competent supervisory authority pursuant to Article 77(1) GDPR. However, with the current wording of Article 13 of the directive it is unclear which rules the competent supervisory authority shall apply when handling complaints pursuant to that provision.

*In light of the above, should the competent supervisory authority's handling of such complaints be based only on the GDPR, or should the authority additionally consider the rules in Chapter 3 of the proposed directive?*

Also following the above, DK would suggest to clarify in the text the relationship between the rules of the proposed directive and the GDPR, and to mention expressly the competences of the competent supervisory authority stemming from the directive, especially in relation to that authority's processing of complaints from platform workers.