



GDPIR

MANAGING DATA PROCESSING
IN THE WORKPLACE THROUGH
INDUSTRIAL RELATIONS

National Report - Hungary



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Table of contents

Introduction.....	3
1. National legal framework on workers' data protection and processing.....	5
2. Main features of industrial relations in the manufacturing sector	10
3. The role of industrial relations in workers' data protection and processing	14
4. General evaluations and conclusions	21
References	22

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Introduction

The introduction and application of the General Data Protection Regulation (GDPR), and more particularly, the protection and processing of workers' personal data has been receiving increasing attention in Hungary, including industrial relation actors. The new rules on GDPR directly affect the data processing practices of employers and trade unions; they inform and set new conditions for the operation of both parties in industrial relations. Yet, as consultation and social dialogue regarding the introduction of new technologies, the protection of personal data of workers, or the processing of workers' personal information is legally in the domain of works councils and not trade unions, collective bargaining - as the central institution of industrial relations - could not tackle issues related to the protection of workers' personal data.

The report is based on online and offline interviews with sectoral trade union representatives, online surveys with company level trade union and works council representatives, online sources, as well as secondary sources, studies, reports and analyses on GDPR, industrial relations and labour law in general.

The report is structured as follows. Chapter 2 provides an overview of the legal framework, including the general developments after the introduction of new legislation regulating GDPR, and describes in more detail the role played so far by the main Hungarian authority that supports appropriate interpretation and thus also implementation of the new legislation. Chapter 3 then outlines the major characteristics of industrial relations in manufacturing. In all manufacturing sectors, industrial relations are decentralised to the company level. Simultaneously, the role of the state via centralised national legislation and governmental regulation also impacts the agenda of company level social dialogue and collective bargaining. State regulation both informs the content of social dialogue, but it is also (negatively) impacting on the security of collective bargaining. Both sectoral level union federations and employer organisations have a low, further declining density, and little to no self-regulatory power. Practices of collective bargaining and greater regulation are more common among large companies, typically employers that provide both higher wages and better employment standards than average.



MANAGING DATA PROCESSING
IN THE WORKPLACE THROUGH
INDUSTRIAL RELATIONS

**National legal framework on workers'
data protection and processing**

1. National legal framework on workers' data protection and processing

1.1 The main legal provisions

Amendments to the Hungarian law stemming from the EU Regulation 2016/679 on the protection of natural persons with regard to the processing of personal data and the free movement of such data, were enacted by *Law No. XXXIV of 2019 on the data protection reform*, published in the Hungarian Gazette on 11 April 2019, and in force since April 25 2019. The Law No. XXXIV - among legal scholars named *Salad Law (salátatörvény)* was actually a set of amendments to more than 80 legislative acts, including the Labour Code. In terms of workers' data protection and processing, the Act has significantly amended relevant clauses of but also introduced an entirely new section to the Labour Code.

Hungary introduced amendments in relevant legislation and notified the European Commission as an application of art. 88 GDPR, i.e. that provisions are enforced in Hungary by the articles of the Labour Code (Law No 1 of 2012). §§ 10-11 and § 44/A.¹ The amendment affected the section on the protection of rights relating to personality and greatly expanded the protection of personal data. Before April 2019, the Labour Code contained provisions on data processing, and the protection of the employees' and employers personal data. These clauses were either more general or were granting rights to the employer and industrial relation actors in data processing and (rightful) use of personal data without greater detail (Lukács 2020). As Rátkai summarises, there were no changes in the general definition regarding preconditions for restricting employee's rights related to personality, but its content was extended, and the new legislation requires greater justification and information for restrictions (Rátkai 2019: 6). Thus, Section 5 that equals Article 9 of the Labour Code on the protection of personal rights was extended by paragraph 2, defining circumstances for limiting employee's personality related rights

An employee's personality related rights may be restricted if the restriction is strictly necessary for a reason directly related to the purpose of the

¹ EU Member States notifications to the European Commission under the GDPR, Hungary notification GDPR articles 51(4), 84(2), 85(3), 88(3), 90(2), 22 October 2018 https://commission.europa.eu/system/files/2018-10/hu_notification_art_51.4_84.2_85.3_88.3_90.2_publish.pdf

employment relationship and proportionate to the achievement of the objective. The employee must be informed in advance and in writing of the manner, conditions and expected duration of the restriction of the right to respect for his or her personality and of the circumstances justifying its necessity and proportionality.

That is, the amendment also extended the content of the employer's obligation to provide written information on the restriction of the personality related rights: the employee must be informed not only of the manner, conditions and expected duration of the restriction of their personality related right, but also of the circumstances justifying the necessity and proportionality of the restriction. Since April 2019 The Labour Code now includes a separate section on Data Processing (*Adatkezelés*), with Articles 10 and 11 regulating the matter.

1.2 The role granted by law to industrial relations actors and processes (e.g., trade unions, worker representatives, collective bargaining, social dialogue, codetermination) on data protection, processing and new technologies

Article 10 paragraph 2 of the Hungarian Labour Code mentions actors of industrial relations explicitly and refers to employers, trade unions, and works councils, in relation to requirements for personal data processing (*adatkezelés*). Article 10 paragraph 2 states that the employer, works council or trade union may require a statement to be made or data to be disclosed for the purpose of exercising a right or performing an obligation under Part Three of this Act [on Industrial Relations]. The new legislation thus affects the way of operation of social partners and puts an additional layer of obligations to the actors shaping industrial relations. |

Hungary has a dual worker representation system at the workplace level. Here, work councils have greater information and consultation rights than trade unions. As regulated in the Article 268, paragraph 1 of the Labour Code, the employer shall consult the works council at least 15 days before taking a decision affecting a large group of employees and especially when it comes to the introduction of new technology, upgrading existing technology, the management and protection of employees' personal data, and the use of technical means to monitor employees. The Labour Code does not provide information on sanctions if the employer does not consult the works council. As works councils are not registered entities, they cannot

turn to courts, but only turn to volunteer experts for advice and to the interest conflict reconciliation body (*Országos Vitarendező Szolgálat*). Works councils may exert pressure only via trade unions, but for that, the two bodies need to cooperate. Trade unions have only the right to request consultation and information from the employer. As regulated in Article 272 of Labour Code, the trade union may request information from the employer concerning the economic and social interests of the employees in connection with the employment relationship (paragraph 4). Trade unions have the right to communicate their opinion on the employer's measure or decision and to initiate consultations on them (paragraph 5), the right to represent material, social, life and health and safety rights of employees, as well as rights and obligations concerning their living and working conditions against the employer or its representative organisation (paragraph 6), and upon authorisation, have the right to represent its members, in the defence of their economic and social interests before the courts, public authorities and other bodies. (paragraph 7).

1.3 Relevant case law, administrative practice, rulings of Data Protection Authorities (if relevant) on the topic

There were relevant court rulings on personal data protection of employees even before the changes in the Hungarian legislation. A judicial practice has developed regarding employers' unlawful employee control and data processing (Kulisity 2018), but there are also relevant, highest level Supreme Court rulings on the matter (Lukács 2021). As Lukács (2021) summarises, court rulings on employee personal data protection and data processing are retrospectively in line with requirements of the later introduced data protection legislation.

In Hungary specialised institutions provided interpretation of relevant legislation on personal data protection and processing, including practical information and opinions, thus establishing a norm setting practice. Until 2012 the Data Protection Commissioner was in charge, and since 2012 the National Authority for Data Protection and Freedom of Information (NAIH) was established for this purpose. NAIH was also active during the changes in legislation in 2019. NAIH sent its notes and remarks on the first draft of the new legislator, successfully calling attention to problems and inconsistencies, thus amending the draft legislation (Rátkai 2019). Equally, if not more importantly, NAIH is a key player in implementation as it provides interpretative and practical guidelines for affected stakeholders, including actors shaping industrial relations.

During the pandemic, an issue that preoccupied many employees, trade unions and employers was the right of employers to request vaccination and keep record of employees in terms of their Covid-19 immunity (vaccination, gained immunity etc.). Whereas the government at the time did not provide full information, but gave employers broad rights to decide during the emergency period, the rulings of NAIH provided some instructions for employers and other industrial relation actors. NAIH issued an "Information on employees in employment relationship (under the Labour Code) on employer's entitlement to know facts about employee's immunity against Covid-19". (Tájékoztató a Munka Törvénykönyvéről szóló 2012. évi I. törvény hatálya alá tartozó jogviszonyokban a munkavállaló koronavírus elleni védettsége tényének munkáltató általi megismerhetőségéről). In drafting the document, NAIH had been contacted in numerous occasions and received requests from both public and private sector organisations, individuals, public and private sector employers, as to whether they are entitled to record and process facts related to employees' immunity to COVID-19, and to record certifications of protection against the coronavirus. NAIH provided general guidance, expressing a view that the employer's knowledge of the fact that the employee is protected against coronavirus may be considered a necessary and proportionate measure in certain jobs or categories of employees, in accordance with the provisions of the law, and may be justified also since such processing by the employer serves epidemiological interests as well as significant public interest. The authority nevertheless emphasised that the legal compliance of the risk assessment and the outcome of the assessment carried out is on the employer's own responsibility and as such are primarily not a data protection issue and beyond the scope of NAIH's judgement, which is limited to the assessment to the extent that it complies with the principles of GDPR, in particular with regard to the necessity, proportionality and adequacy of data processing.

1.4 Possible legal developments in the near future

In terms of future development, scholars and legal practitioners predict a higher number of cases and court rulings both due to GDPR related changes in the Labour Code, and increasing consciousness on the matter among employees and stakeholders. Due to the changes in the Labour Code, court rulings already contain *expressis verbis* such provisions which provide answers to the most typical problems and situations appearing during employer's control practices affecting workers' rights (Lukács 2021).



MANAGING DATA PROCESSING
IN THE WORKPLACE THROUGH
INDUSTRIAL RELATIONS

**Main features of industrial relations in
the manufacturing sector**

2. Main features of industrial relations in the manufacturing sector

2.1 Trade union and employer representation and their density

The Hungarian trade union scene is highly fragmented. In manufacturing, many plant level trade unions are members of sectoral level union federations, but some are independent. In turn, some trade unions federations are active in more companies, but in multiple sectors, making the structure of the trade union scene both extremely fragmented and nontransparent. Employer organisations are more centralised, but typically these associations do not have rights to represent their members, and have also limited self-regulatory power. There are sector level union federations, most significantly in metal, pharmaceuticals and chemicals, but weaker specialised sectoral trade unions representing textile workers, food industry. At best, the role of these federations is limited to coordination, support in collective bargaining.

There are no available data on trade union density rates on sectoral level, but even less information is available on employer organisations. In early, 2020 the union density in industry stood at 7.1 per cent, and union members were typically employed in larger enterprises. There is no data on employer organisation density.

2.2 Role of social partnership in public policy and role of the state in industrial relations

Especially since 2010, the bodies in charge of social dialogue at national level have a consultative, increasingly symbolic character. The two main bodies in charge of social dialogue are the National Economic and Social Council (NGTT) and the Permanent Consultative Forum of the Private Sector and the Government (VKF). As many have pointed out (e.g. Szabó 2013; Neumann and Tóth 2017), channels of bipartite and tripartite social dialogue do not allow for the appropriate and real inclusion of social partners in the creation and implementation of relevant policies and reforms. The NGTT is a very broad body that also involves representatives of civil society organisations, church and academic bodies, but it does not involve governmental representatives and it is not an appropriate body for social dialogue. In contrast, the VKF is authorised to cover a very narrow set of topics, most importantly negotiations on minimum wages, but its agreements are not binding in a legal sense.

Legal developments after 2008 have created further obstacles for autonomous

sectoral collective regulation. Institutions of sectoral social dialogue are sectoral social dialogue committees (*ágazati párbeszéd bizottság*). Sectoral social-dialogue committees exist also for five sectors in manufacturing: food processing, chemicals and pharmaceuticals, light industry, wood processing, and machine manufacturing. Social partners in these Sectoral Social Dialogue Committees are presented in Table 1.

Table 1. Social partners in sectoral social dialogue bodies in manufacturing

Name of the sectoral social dialogue body and sector	Representative employer organisation(s)	Representative sectoral trade union(s)
Sectoral Social Dialogue Committee for Chemicals	Hungarian Chemical Industry Federation (Magyar Vegyipari Szövetség) National Federation of Pharmaceutical Industrialists of Hungary (Magyarországi Gyógyszergyártók Országos Szövetsége)	Trade Union Federation of Chemical, Energy and Pharmaceutical Workers (Magyar Vegyipari, Energiaipari és Rokon Szakmákban Dolgozók Szakszervezeti Szövetsége)
Sectoral Social Dialogue Committee for Wood processing	National Professional Association of Wood Processing (Fagazdasági Országos Szakmai Szövetség) National Federation of Carpenters and Wood Industry (Országos Asztalos és Faipari Szövetség)	Trade Union of Workers in Forestry and Wood Industry (Erdészeti és Faipari Dolgozók Szakszervezete)
Sectoral Social Dialogue Committee for Food processing	National Association of Food Processors (Élelmiszer-feldolgozók Országos Szövetsége)	Trade Union of Food Processing Workers (Élelmiszeripari Dolgozók Szakszervezete) Trade Union of Workers Employed in Agriculture, Forestry, Food and Water Industry (Mezőgazdasági, Erdészeti, Élelmiszeripari és Vízügyi Dolgozók Szakszervezete)
Sectoral Social Dialogue Committee for Light Industry	Hungarian Federation of Light Industry (Magyar Könnyűipari Szövetség)	Trade Union of Miners, Energy and Industrial Workers (Bánya-, Energia- és Ipari Dolgozók Szakszervezete)
Sectoral Social Dialogue Committee for Machine	Hungarian Federation of Automotive Suppliers (Magyar Járműalkatrészgyártók	Hungarian Metalworkers Federation

manufacturing	Országos Szövetség) Hungarian National Association of Machinery and Power Engineering Industries (Magyar Gépipari és Energetikai Országos Szövetség)	(Vasas Szakszervezeti Szövetség)
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2.3 Collective bargaining structure and coverage

As employer organisations in manufacturing do not engage in sectoral or higher-level collective bargaining, there are no sectoral collective agreements. As sector level trade unions federations do not have authorised employer federation counterparts representing individual employers, there is no sector level collective bargaining in manufacturing sectors. Only company level or at best, multi-company level bargaining exist. Collective bargaining in Hungary can be separated formally in collective wage bargaining and bargaining for multi-employer or company specific collective bargaining agreements (CBAs). The latter rarely include provisions on wages and wage development. Industrial relations in Hungarian manufacturing are highly decentralised, with collective bargaining occurring almost exclusively at the company level.

The total collective-bargaining coverage in Hungary is quite low. In early 2020 only 18.5 per cent of surveyed employees in industry stated that they are covered by a collective agreement. In manufacturing, collective agreements are more likely in large enterprises with higher wages. In contrast, low-wage, labour-intensive sectors in which smaller companies dominate typically have low coverage rates.

2.4 Workplace level representation and industrial relations procedures

Hungary has a dual system of worker representation, with both trade unions and works councils taking up different, interest representative, information and consultative roles. In the absence of representative trade unions, unions that enrol at least 10 percent of employees as members, the Labour Code also allows employers to conclude plant agreements (üzemi megállapodás) with the works councils. Plant agreements may regulate various key conditions of employment, including such important spheres as working time. As a substitute for collective bargaining, soft consultation-based plant agreements can be also concluded between works councils and employers, which regulate many aspects of working conditions, except wages and remuneration.



MANAGING DATA PROCESSING
IN THE WORKPLACE THROUGH
INDUSTRIAL RELATIONS

**The role of industrial relations in
workers' data protection and
processing**

3. The role of industrial relations in workers' data protection and processing

The aim of this section is to illustrate, on the basis of the information collected via interviews, questionnaires and documentary research, the role of industrial relations in Hungarian manufacturing concerning workers' data protection and processing. Subsection 4.1 is based on interviews with two national sectoral trade union representatives, a representative of the Trade Union of Miners, Energy and Industrial Workers (Bánya-, Energia- és Ipari Dolgozók Szakszervezete, BDSZ), and an expert of the Hungarian Metalworkers Federation (Vasas Szakszervezeti Szövetség - Vasas). Subsection 4.2 summarises the results of an online survey with trade union representatives. In order to secure greater validity to the general conclusions, the main findings were also discussed with a legal expert of a Hungarian trade union confederation.

3.1. Trade union organisations facing workers' data protection and processing

3.1.1. Vision and approach to the issue

The interviewed representative and expert of the two national sectoral trade unions stressed that workers' data protection and processing is considered an absolute priority in their organisation, and therefore it was addressed in a timely and thorough manner. For both sectoral union federations it was a priority to comply with changes in legislation. In addition, since information on trade union membership, which is of core interest and concern to trade unions, is classified as sensitive data, it also organically generated high attention from the unions. At the metal sector union federation, its chair obtained a specialisation in data protection and processing, which further highlights the high priority it has for the operation of the organisation.

The timely and thorough union response stemmed from both the decade-long confidential practice of handling members' data within their organisations and EU regulation-induced requirements to reform internal procedures and practices. Moreover, since 2018, the role of trade unions in implementing and securing protection of workers' data was to be both pioneering and exemplary. Thus, both sectoral unions drafted and published their own GDPR policy document relatively swiftly. As the union expert of Vasas highlighted, the trade union federation also reached out to many lawyers and legal practitioners with specialisation in data protection and data processing, developed a methodology to translate GDPR requirements in the union's practical operation, and made inquiries to meet

additional obligations. Preparation meant modification in many areas of union activity.

Besides introducing changes in a timely and thorough manner, the approach of sectoral trade unions was to implement internal reforms and develop relations and cooperation with employers simultaneously. Both national organisations had a pronounced role in assisting company level member unions to both learn about the new legislation and to establish new practices. In light industry, the practice was to establish procedural rules and internal rules for data handling after a thorough consultation at board meetings. In the metal industry, education sessions were organised, separate information letters for raising awareness were sent out, with follow-up explanations in person in case of inquiries. Concrete practices have been reformed, for example, designing and storing membership forms. As of the relation with employers, the key practical issue affecting union operation was stemming from the fact that union membership fee reduction occurs through employers, and upon request, a law obliges companies to send a list of fee paying members to the trade union. With the new GDPR regulation in place, many employers contested this practice. Therefore one sectoral union organisation started an additional practice of concluding separate data protection agreements with some employers. In addition, the Vasas union federation also developed a flexible strategy to deal with individual employers on a case-by-case basis, and succeeded in developing an employer-specific working relationship, in which problems were reported and jointly solved.

3.1.2. Social dialogue and collective bargaining

Collective bargaining at company level typically does not deal with workers' personal data protection and processing. Respondents could not recall company level collective bargaining agreements with special clauses or practices related to workers' data protection. At Vasas, there were no recorded initiatives or requests.

Social dialogue on both national or sectoral level is both rare and shallow. The Hungarian government rarely summons national level consultations with social partners. Interviewees could not recall if such a specialised issue has been tabled at any forums. One interviewee mentioned that it has been partly and sporadically mentioned in one sectoral social dialogue committee, in the electric energy sector. At company level, unfortunately, there is no information from works council members on the matter.

3.1.3. Engagement with other stakeholders and/or Data Protection Authorities

In case of contradictions, unclarities, legal loopholes appear in the practical operation of the union, at Vasas the approach is to turn to experts, and if their

assessments differ on the matter, to turn to NAIH, the relevant authority in charge for GDPR implementation, and ask for clarification. As confirmed also by the expert lawyer at the union confederation, cooperation with the data protection authority has not developed into a working relationship, since answers arrive with great delay, and even those, usually short feedbacks are not full answers to formulated problems. Unions also do not have available channels or open ears that would enable them to influence relevant legislation.

3.1.4. Research and training activities

Neither of the sectoral trade unions engaged in research activities. At Vasas, the interviewee recalled a project in which the union participated, that also touched upon workers' data protection.

In light industry, training for company and sectoral union representatives was obtained only via the national level confederation, Industriall, and a consultancy organisation. Such training served the purpose of preparing unions for changes in activities stemming from legislative changes in general. The training at the consultancy organisation was more practical. In the metal industry, Vasas also organised internal training events for company level union representatives and activists, which concentrated on changes in everyday practice of documenting and storing workers' personal data. Besides stressing the importance and high attention that the issue deserves, the sectoral union federation also makes sure that company level member unions comply with all the regulations.

3.1.5. Main concerns and future developments

Interviewees stressed that they did not record any obstacles. As for future developments, interviewees could only highlight a very general approach and commitment to monitor changes in regulation and implementation, but also to deepen their current organisational practice.

3.2. Main topics and trends in social dialogue practices

This section is based on responses of 8 trade unionists who filled out the online questionnaire. Respondents included national sectoral trade unionists (4), a local/regional sectoral trade unionist and company-level trade union delegate or works council members (3). Automotive was the most covered sector (3), but there were single respondents also from defense industry, mechanical engineering, chemical/pharmaceuticals, and textile/leather/clothing/footwear industry.

3.2.1. Regularity and dominant level of social dialogue

We could not obtain information from surveys neither on the dominant level, nor on

the regularity of social dialogue related to workers' personal data protection and processing. Interviews and surveys hint at no regularity but at best the ad hoc nature of social dialogue on all levels. In manufacturing, sectoral level social dialogue has been traditionally the weakest, and company level the dominant form.

3.2.2. Social dialogue procedures

The relative majority of respondents considered that the issue of workers' data processing is unilaterally managed via the management (5 responses), but 2 respondents considered that it is also managed via information and consultation procedures, collective bargaining and/or co-determination. Although the survey is not representative, responses might indicate that management has an upper hand in most manufacturing companies when it comes to deciding on procedural issues.

3.2.3. The main topics included in the agreements and/or discussed in social dialogue procedures

Respondents were sharply split related to their experience in negotiation of workplace/company collective agreement or a works agreement regulating exclusively or, among various issues, workers' data processing: half of them negotiated more than once, the other half did not or did not remember.

Those with relevant experience indicated three topics covered by the negotiation/codetermination: "Ensuring the respect of international and national privacy/data protection law" (2 respondents) and "Establishing general policies with management concerning workers' data processing" as well as "Enabling workers and/or their representatives to have a role in the analysis of workers' data collected in the workplace" (1 each).

Respondents skipped questions 8 and 9 on codetermination/collective bargaining related to (prevention of) the use of workers' data, which indicates either the lack of experience or informed opinion on the use of data processing and rights related to collective bargaining. Only one respondent answered question 10 on the involvement of workers and/or their representatives in the policy/framework agreed with management, indicating that "agreeing on negotiation/codeterminational procedural rules are key in activated before reaching an agreement".

None of the respondents provided a description of their positive social dialogue experiences. In addition, the fact that the majority of respondents could not determine why collective bargaining is not concerned with GDPR might indicate lack of attention, lack of experience, or little development at company level. Out of 3 respondents 2 answered that they do not possess the adequate knowledge and skills to voice an informed statement on the matter. In addition, one answer was that issues

are usually managed unilaterally by company management and one respondent claimed that new technologies entailing workers' data processing are rarely introduced in the company.

3.2.4. Support tools in social dialogue procedures

The majority of respondents (6 out of 8) did not participate in specific training modules directed on how to deal with workers' data processing by employers. One respondent indicated a participation at a training session organised by the union, and one respondent participated in sessions organised by both a trade union and other organisation. According to the survey, training was mostly on main features of European and national privacy and data protection law. Only one respondent indicated that the topic of "negotiation/codetermination techniques and prerogatives regarding workers' data processing by employers" appeared at training sessions.

Respondents were split on the issue of the availability of experts in data processing for the needs of negotiating/codetermination. Half of the respondents indicated that such an expert is not available. For the other half of respondents, typically an internal trade union expert, specifically trained on the topic was available (4 responses) and in few cases (also) an internal company expert or an external expert recruited via the union was at disposal. In case of the availability of the expert, their task covered all issues of "Organisation of training modules for workers and/or their representatives and/or managers on the topic (2 answers), "Legal advice to worker representatives and/or managers on European and national privacy/data protection law" (4 answers) and "Guidance to worker representatives and/or managers in negotiating over workers' data processing" (2 answers).

IT experts were typically not available, if they were, this was an internal trade union expert of the trade union (2 responses) more rarely an internal company expert or an external expert recruited via the union. Their tasks included "Organisation of training modules for workers and/or their representatives and/or managers on technological tools and their functioning" (6 answers) and "Guidance to worker representatives and/or managers in negotiating over workers' data processing" (5 answers).

3.2.5. Main difficulties related to social dialogue practices on workers' data processing and protection

As of main difficulties when negotiating over workers' data processing, the majority of respondents indicated that it is "Difficult to get timely, full and complete information from management", but some choose two other answers: "The lack of knowledge from one side or both" (3 answers) and "Data management professionals in the company do not participate in negotiations" (2 answers).



MANAGING DATA PROCESSING
IN THE WORKPLACE THROUGH
INDUSTRIAL RELATIONS

**General evaluations and
conclusions**

3. General evaluations and conclusions

Hungarian industrial relations in manufacturing sectors are decentralised to the company level. National level social dialogue exists only symbolically and the role of the state via centralised national legislation and regulation has a decisive impact. This impact is detectable in two main areas. First, it impacts the content of social dialogue and collective bargaining by default. Second, it affects the general (legal) (in)security of social dialogue and collective bargaining, as it was the case during the pandemic (Szabó 2020). Sectoral level social dialogue bodies in manufacturing exist only formally: no sectors in manufacturing have sectoral collective agreements, or engage in up-to-date and/or through social dialogue. At company level, there is a dual representative system in place, where the Labour Code defines for trade unions and works councils both exclusive and complementary roles. In the absence of one of the bodies, a vacuum appears affecting either information and consultative rights, or effective collective bargaining opportunities. (Horváth 2017).

Such institutional frameworks could not have allowed the issue of workers' personal data protection and processing to enter the mainstream of the industrial relations system. As consultation and social dialogue regarding the introduction of new technologies, the protection of personal data of workers, and the processing of workers' personal information in Hungary is legally in the domain of works councils and not trade unions, at company level, social dialogue and not collective bargaining is the central institution of industrial relations designed for tackling issues related to the protection of workers' personal data. Since works councils are not real interest representative bodies capable of collective bargaining, company level trade unions could at best have strong working relationships with works councils, and work jointly on the issue of worker data protection and processing practices. However, neither interviewees nor survey respondents could provide a description of relevant social dialogue or collective bargaining experiences. The majority of survey respondents could not determine why collective bargaining or social dialogue is not concerned with GDPR issues. This might also indicate lack of attention, lack of experience on part of worker representatives, or little development at company level, that might also signal an employer's upper hand in initiating and introducing relevant changes.

Based on interviews, it seems safe to say that new regulation represented first and foremost a task to sectoral level union federations to adjust their internal organisations and practices to the new regulatory requirements. Until now, union experience suggests that new regulation created more constraints than opportunities for union interest representative activities.

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