EUROPEAN MODEL OF PERSONAL DATA PROTECTION (GDPR) IN THE PRACTICE OF EMPLOYEE REPRESENTATIVES WITH REGARD TO THE COMMUNICATION PROCESS

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Abstract: The authors deal with the issue of determining the appropriate legal bases for the processing of personal data by employee representatives. The main objective of this paper is to assess the use of the relatively new European legislation on the protection of personal data in the specific environment of individual and collective employment relationships on the part of employee representatives. In the paper, the authors try to confirm that employee representatives in addition to the consent of a natural person concerned are entitled to act in line with another legal basis - the public interest (or fulfillment of legal obligations) given their position in the implementation of individual and collective labor relations. According to the authors, the choice of a specific legal basis will be based on the assumption that the employee representatives process personal data of the natural persons concerned, e.g. for the purposes of exercising the competencies granted by the relevant labor law regulations or for the purposes of managing internal relations of employee representatives (trade union membership as a personal data of a special category, fulfillment of rights arising from the trade union membership by a natural person). The authors substantiate their claims with relevant references to the practice, international legal documents and subsequently emphasize their use within specific labor law institutes.

Keywords: GDPR, personal data, communication, employees' representatives, trade union affiliation, legal basis.

1 Introduction

According to Art. 11a of the Labor Code, with regard to the protection of personal data employee representatives represent a sui generis subject not only in the area of legal regulation of individual or collective labor relations, but also in the area of relevant labor law concerning personal data protection and privacy in general. Thus, any legal institutes in which personal data of natural persons are processed on the basis of the European legal framework – the GDPR, must respect the basic division of powers of employee representatives at the workplace towards the employers and third parties, towards members of the relevant bodies of specific forms of employee representation at the workplace as well as the employees they represent. Apart from the above, however, when choosing the right approach to the protection of personal data of natural persons, the attention shall be paid to individual types of employee representatives in the workplace and differences in internal conditions, e.g. a trade union organization represented by the relevant trade union body, the employee council or employee trustee. Prior to choosing an appropriate legal basis for the processing of personal data of natural persons, the unique position of employee representatives in the workplace must be taken into consideration. The nature of activities carried out by employee representatives, their legal status in national legislation and scope of granted competencies and authorizations are based on international regulations to which Slovakia is bound. Therefore, apart from regulating the civic association established under a special regulation, the internal and external processes of personal data protection policy should also take into account personal data of employees of specific labor institutes/ bodies and those of natural persons who have become members of a trade union. With regard to the legal form according to the law on the association of citizens, a trade union has the legal character of a civic association - it is not registered as a legal entity would, however, records are being kept on its existence. Its status arises from international documents of the International Labor Organization or European legislation, which give it a wide range of rights and obligations in the field of individual and collective labor relations (Androniceanu & Tvaronavičienė, 2019; Kubeš & Rančáková, 2018). These, in turn, give rise to secondary legal or labor relations (e.g. employment relations, participation in court proceedings according to special legal regulations on the protection of employees' rights, etc.). Therefore, we must take into account this specific nature of the position and competences of employee representatives in the workplace when creating internal regulations on personal data protection. If we base the nature of employee representatives on the wording of Art. 11a of the Labor Code, the legal framework governing the competencies of employee representatives will be the same. The only thing that would differ is the internal environment due to different legal status. A trade union represented by a competent trade union body is a legal entity - a civic association established under a special regulation. An employee council or employee trustee is an entity without legal personality which in a certain respect has a labor subjectivity for the exercise of competencies granted by the relevant labor regulations, e.g. The Labor Code, the Social Insurance Act, the Health and Safety Act, OHS, the Protection of Public Health, etc.

Employees, either directly or through their representatives, as well as the employee representatives themselves, have a legally guaranteed right to information, negotiation, co-decision and oversight. In addition to the obligations stipulated by the law, the employer must also meet the requirements of the employee representatives to which he has committed himself, either through an internal regulation or a collective agreement / higher-level collective agreement (Pacalajova & Kubinec, 2021). The nature of competencies varies and includes cases of action related to the employer's obligation to inform and discuss the termination of employment by termination or immediate termination under Art. 74 of the Labor Code or unjustified absence at work under Art. 144a, par. 6 of the Labor Code, obtaining consent with the employment termination from the employee who is a member of the relevant trade union body under the provisions of Art. 240, par. 9 of the Labor Code, etc... In addition to the standard exercise of competencies resulting from the implementation of individual employment relationships concerning the actual performance of the dependent work (Petrů & Tomášková, 2020), the employer may be subject to other obligations arising, for example, from a collective agreement in relation to the emergence of legal claims of employees or a trade union organization (by using benefits and contributions from the social fund, e.g. in connection with contributions for medical supplies and medicines, employer's contribution to the employee's vacation, language training, etc..) (Steindl, 2022).

The general premise that employers should take into account is that the implementation of the legal competence of the employee representative (also related to personal data protection) cannot be denied. In view of the legal framework and competences of employee representatives, by ignoring such rights the employer runs the risk of being subject to sanction for non-compliance with the relevant labor law.

2 Methods and methodology

The main objective of the paper is to assess the implementation of the relatively new European legal framework regarding the protection of personal data in the specific environment of individual and collective employment relationships on the part of employee representatives. Most publications on the subject matter focus exclusively on the identification of the legal bases of personal data processing by the employer and bring no solutions, e.g. in the internal environment of employee representatives, also in relation to the primary existence of personal data of a special category - trade union affiliation according to Art. 9 of the GDPR. The authors are therefore interested in the transnational context of the relevant legislation, determined in particular by the GDPR and other European and transnational sources of law. Moreover, the authors also want to

establish a theoretical and legal background of the issue, thus helping the entities concerned to determine further steps in this regard. The aim of the authors is to justify the use of the public interest as a legal basis - a rare issue in practice. A partial aim of the paper is to assess personal data processing operations carried out by a trade union as one of the forms of employee representation. A trade union processes personal data of a special category - trade union affiliation. Given the nature of the researched issues, we chose a combined methodological approach based on the use of selected qualitative and logical-cognitive methods. Critical in-depth analysis of the legal status, logical-cognitive methods such as induction, deduction, analysis, synthesis from qualitative methods were also used.

3 The legal framework of personal data processing – natural persons

Prior to the adoption of the GDPR, the personal data protection was governed in particular by Directive 95/46 / EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, which has been incorporated into various national legal systems of the Member States very differently (Gumzej, 2021). This has often led to inconsistent application practices by supervisory bodies across Member States of the European Union. The current regulation, unlike Directive 95/46 / EC, will be directly applicable in the Member States (Halasi et al., 2019). The adoption of the General Data Protection Regulation, along with its recitals, aimed at ensuring a consistent and high level of protection of individuals against unauthorized interference with their rights and freedoms. Even though the basic principles and objectives set out in Directive 95/46 / EC have been maintained by the Member States, the way they were incorporated into the law of the Member States meant differences in the implementation of personal data protection across the European Union (Wolters, 2017).

The basis for any legitimate processing of personal data of natural persons concerned is the existence of relevant legal basis under the GDPR (Wachter, 2018). With regard to the above, it is necessary to first identify the competence or activity that the employee representative has / wants to perform, identify the very purpose of this activity (Hsu, 2018) and then look for a suitable legal basis that would enable processing activities in question. Each purpose of data processing must therefore have its legal basis, except where the original purpose is compatible with another processing purpose (Pitra & Zaušková, 2014). According to Art. 6 of the GDPR, the following legal bases cover the necessary processing operations carried out by employee representatives:

- consent of an employee (a);
- processing for the purpose of performing a contract (b);
- processing is necessary under a special regulation or international agreement (c);
- processing is necessary to protect the life, health or property of employees or another natural person (d);
- processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority conferred on the employer (e);
- processing is necessary due to legitimate interest (f).

Quite often we encounter a legal opinion that the legal basis for the processing of personal data of natural persons by employee representatives is reduced to the fulfillment of obligations under the provisions of Art. 6, par. 1, letter (c) of the GDPR or the consent of the natural person concerned pursuant to Art. 6, par. 1, letter (a) of the GDPR. However, the insight into the existence and activities of employee representatives is to some extent superficial since it does not take into account their exceptional position in the legal order and in supranational legislation. The position of the employee representative has changed greatly since the 18th century (Dexe et al., 2022). Apart from his role in improving working and wage conditions of employees, the employee representative now also oversees the compliance with working and wage conditions of employees. Although the position of the employee representatives was originally created due to collective bargaining of more favorable working and wage conditions for employees (using coercive means to achieve the goal), the position nowadays entails quite different activities. Whether it is a continuous resistance of employers to negotiate working and wage conditions of employees through a collective agreement, the shift in the nature of collective bargaining from revolutionary to more "civilized" and formalized or the concept of using external experts instead of trade union members to negotiate working and wage conditions, the role of employee representative is changing (Raisová et al., 2020). The shift in their activities and competences (and in fact their very nature) caused by amendments to the national and supranational legislation and documents meant they were awarded the right to information, negotiation, co-decision and especially the right to oversee (Mura et al., 2019). Employee representatives are thus increasingly replacing the supervisory bodies - now they oversee the compliance with relevant labor laws on a regular basis, and in this respect fulfill (albeit informally) the power of the state - enforcement of regulations. The activities of employee representatives changed from originally informal and private activities to exercising legal, legitimate and especially effective state-like powers, although they do not have such authority or competence. However, this legal-theoretical shift is characteristic of states (although being democratic - the Czech Republic, the Slovak Republic, the Republic of Poland, the Republic of Hungary) in which the public interest (with regard to the basic premise established by law and relevant labor law in the form of the state's obligation to ensure the right of natural persons are met under Article 36 of the Constitution of the Slovak Republic - the right to just and satisfactory working conditions and remuneration ensuring a decent standard of living, also the right to protection against arbitrary dismissal and discrimination in employment, occupational safety and health at work, maximum working hours, adequate time to rest after work and the like) is poorly implemented (or not implemented at all) by the relevant public authorities. The suggested formalism in the supervision of compliance with labor law, especially in the field of protection of life and health of employees in relation to the working conditions in which they perform dependent work, and inefficiency of the state power (for subjective or objective reasons) are the reasons why the position of employee representatives is shifting and moving to the area where it replaces the state power, thus confirming the premise that employee representatives perform activities in the public interest. Incidentally, this assumption is also evidenced by the development of modern labor law regulations in the area of competencies of employee representatives, e.g. in the provision of Art. 149 of the Labor Code, the competent trade union body is granted the competence to perform inspect the state of occupational health and safety, while according to Art. 149, par. 5 of the Labor Code, the costs incurred by performing such activities shall be reimbursed by the state. Thus, in the interest of fulfilling the public interest and the basic internal functions of the state, the legislator entrusts the performance of this activity (which should normally be carried out in full by itself) to a private entity, while also committing to cover its costs. However, a similar approach is included in the performance of oversight activities of employee representatives under Art. 239 of the Labor Code, where the legislator (despite the private nature of the employment relationship) strengthens the position of one of the parties to the employment relationship by granting it the right (which usually belongs to a public authority) to demand certain action from another entity.

Based on the above, we can therefore conclude that there is a possibility of using the legal basis under Art. 6, par. 1 letter (e) of the GDPR, which allows *"processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority"*. However, we must be able to substantiate this claim with regard to a specific activity carried out by a trade union or its relevant body. For the purposes of the legal interpretation of the provision in question, Art. 6 of the GDPR, we assume that national law is not required to explicitly authorize, dictate or indicate an entity to carry out a specific

processing operation with personal data; in this respect, it is sufficient that such a role or authority is backed (at least in general) by the valid legal order. With regard to the above, we refer to the provision of Art. 6, par. 3 of the GDPR, which states that *"the basis for processing shall be determined in EU or Member State law"*, or the recital 45 of the GDPR which states *„This Regulation does not require a specific law for each individual processing."* Although Article 6, par. 3 of the GDPR states, from the point of view of the substantive preconditions for its application, that the legislation may also stipulate a specific purpose of processing, categories of recipients, etc., it is only optional ("*that legal basis may contain specific provisions"*). It may not even be a law, but according to recital 41 of the GDPR, it may also be a by-law (e.g. a resolution of a government or municipality) (Kuc-Czarnecka, 2019).

Therefore, if we start from the assumption that the legal basis in question may be used by both public authorities and private entities (e.g. employee representatives), which may be required under the law to carry out their activities in the public interest, the legal basis in question may be used in terms of individual and collective employment relationships. To confirm the above statement, reference may be made to the recital 45 of the GDPR Regulation, which states that *„It should also be for Union or Member State law to determine whether the controller performing a task carried out in the public interest or in the exercise of official authority should be a public authority or another natural or legal person governed by public law, or, where it is in the public interest to do so, including for health purposes such as public health and social protection and the management of health care services, by private law, such as a professional association."* Following the above argumentation, it is therefore necessary to identify the basic legislation that justifies the possibility of using the public interest as a legal basis in order to carry out labor law-related actions - the establishment and existence of the employee representatives themselves at the workplace. The legal basis is given by international regulation by which Slovakia is bound, in particular the Conventions of the International Labor Organization. The Conventions of the International Labor Organization defines the standard legal framework for the establishment and operation of trade unions in the workplace, namely the Convention on the Application of the Principles of the Right to Organize and Collective Bargaining no. 98 of 1949 (Geneva, 1 July 1949, 18 July 1951, 1 January 1993, no. 470/1990 Coll., point 33 of the notification of the Ministry of Foreign Affairs of the Slovak Republic no. 110/1997 Coll.), Workers' Representatives Convention no. 135 of 1971 (Geneva, 23 June 1971, 30 June 1973, 17 September 2010, no. 16/2010 Coll.), Convention on the Promotion of Collective Bargaining no. 154 of 1981 (Geneva, 19 June 1981, 11 August 1983, 17 September 2010, No. 14/2010 Coll.), Convention on the Protection of the Right to Organize and on Procedures for Determining Conditions of Employment in the Public Service no. 151 of 1978 (Geneva, 27 June 1978, 25 February 1981, 22 February 2011, No. 171/2010 Coll.) and the like.

The legal framework of internationally-recognized obligations in this area is completed by European labor law, in particular Directive 2002/14 / EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community (sets out the basic legal framework for the competences of employee representatives), Council Directive 2001/23 / EC of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in transfers of undertakings, businesses or parts of undertakings or businesses (mandatory information obligation, conditions in order to safeguard employment opportunities, etc.), Council Directive 98/59 / EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies (mandatory information obligation, consultation powers to protect employees' rights, etc...).

We could proceed in a similar way when stating the directives of the European Union and the European Parliament relating to the occupational health and safety, scheduling working hours, etc. According to Art. 4, par. 4 of Directive 2002/14 / EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community, it may be stated that *„Consultation shall take place: (a) while ensuring that the timing, method and content thereof are appropriate; (b) at the relevant level of management and representation, depending on the subject under discussion; (c) on the basis of information supplied by the employer in accordance with Article 2(f) and of the opinion which the employees' representatives are entitled to formulate; (d) in such a way as to enable employees' representatives to meet the employer and obtain a response, and the reasons for that response, to any opinion they might formulate; (e) with a view to reaching an agreement on decisions within the scope of the employer's powers referred to in paragraph 2(c)"*.

Similarly defined competencies ("work" tasks) and authorizations and self-imposed duties formulated as legally determined obligatory action of employee representatives can be found in many national regulations (Hitka et al., 2017; Lindqvist, 2018). In particular, this complex of rights and obligations of employee representatives' participation in decision-making is contained in the Labor Code. The Labor Code gives the employee representatives competencies in more than 84 specific labor law areas, predominantly in the area of working time regulation and scheduling (e.g. introduction of uneven distribution of working hours according to Art. 87 and Art. 87a of the Labor Code), determination of the beginning and end of working hours and schedule of shifts according to Art. 90, par. 4 of the Labor Code), in the field of occupational health and safety at work (e.g. adoption of regulations in the field of occupational health and safety according to Art. 39 of the Labor Code, performance of oversight according to Art. 239 and Art. 149 of the Labor Code), adjustments to the basic working conditions of employees (e.g. accepting the working rules by the employer according to Art. 84 of the Labor Code), in the area of remuneration of employees (agreement on wage conditions according to Art. 119 of the Labor Code in connection with Art. 43, paragraph 1, letter d) of the Labor Code, etc.). The related obligations and authorizations can also be found in other relevant labor law regulations, e.g. in the provision of Art. 7, par. 4 of the Social Fund Act („*The creation of the fund, the amount of the fund, the use of the fund, the conditions for providing contributions from the fund to employees and the method of proving expenses to employees shall be agreed between the employer and the trade union body in the collective agreement.*"), in the provision of the Art. 19, par. 1 of the Occupational Health and Safety Act ("*The employer is obliged to appoint one or more employees as employee representatives for safety on the basis of a proposal of the relevant trade union body, employee council or voting of employees if there is no trade union body or employee council. A staff member may be nominated or elected as an employee security representative only with his written consent.*") and the like.

All European and international legislation stated above establishes rights and obligations of employee representatives in the workplace. No similar position is held by any other subject across the entire legal order - in addition to own competencies, the position of the employee representative entails also competencies specific to public authorities. For this reason, using the public interest as the legal basis seems fit as it touches the subject of individual and collective labor relations. The only restriction in this respect is the provision of Art. 21 of the GDPR, which requires personal data of natural persons to be processed in such a way and only to the extent possible that would *„demonstrate compelling legitimate grounds for the processing which override the interests, rights and freedoms of the data subject or for the establishment, exercise or defence of legal claims"* (Comandè & Schneider, 2022). With regard to the nature of the performance of competencies of employee representatives at the workplace, and given the fact that they also

process personal data of a special category (e.g. membership in a trade union, information on the health of natural persons, etc.), the need to meet the precondition for the processing of personal data of a special category laid down in Art. 9 par. 2 of the GDPR shall be taken into account (Krajnakova & Vojtovic, 2017).

With regard to the cases defined in Art. 9 par. 2 of the GDPR, it is possible to meet the condition contained in letter b) as amended *"processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject"*, letter g) *„processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject"* or letter h) *„processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3"* (Goddard, 2017). If we were to state specific cases of application of the conditions of processing personal data of a special category without the consent of the natural person concerned, it would not be possible due to their number. Nevertheless, these conditions would concern various labor institutions and issues - bodies in charge of investigating work-related accidents and other accidents at work according to Art. 10 in conjunction with Art. 17 et seq. of the Act on Occupational Safety and Health, bodies processing information on the health status of employees for the purposes of discussing the termination of employment according to Art. 74 of the Labor Code in conjunction with the provision of Art. 63, par. 1, letter c) of the Labor Code, the representation of employees in connection with the employment relationship under the provisions of Art. 229 of the Labor Code (with a possible link to Art. 232, par. 2 and par. 3 of the Labor Code), or the issue of representing the employee in filing a complaint to the employer under Art. 13, par. 5 of the Labor Code due to non-compliance with the principle of equal treatment, breaching the principles of non-discrimination or breaching the principle of non-abuse of law or its exercise in accordance with good morals and the like.

Using the public interest as a legal basis in the processing of personal data of natural persons (employees, trade union members) thus represents a wide range of cases and situations defined not only by generally binding legal regulations, but also in an intra-union regulations and collective agreements with references to international law in the form of the right of employee representatives (specifically trade unions) to associate and to independence from interference in intra-union activities by public authorities. The above issues may lead to different purposes of processing personal data of natural persons - from the administration of the registry and the register of mail through the resolution of complaints of natural persons, security and protection of property, information, life and health, assets (including network security, security of buildings (Peukert et al., 2022)) to the actual establishment and management of membership of natural persons in trade unions, implementation of individual and collective labor relations, elections to trade unions and employer's bodies arising from special legal regulations (e.g. the Commercial Code), or the disclosure of information on the performance of employment activities at the employer (Naďová Krošláková et al., 2021).

The use of the legal basis is evidenced by yet another presumption. This presumption lies in the very nature of the formalized results of conducting (European) a dialogue with the employer or conducting collective bargaining with the employer under the Collective Bargaining Act as a formal source of law. The normative part of the collective agreement has a generally binding legal character (erga omnes scope), i.e. it applies to an indeterminate number of addressees of legal norms who do not even have to have an economic relationship with the employer who entered into the collective agreement. Indeed, company collective agreements often contain obligations that are effective vis-à-vis third parties, generally granting them a range of rights and benefits as if they were employees of the employer (e.g. various types of allowances and benefits for former employees of the employer and their family members), for example, the right to eat at the employer's canteen, receive a financial contribution for meals according to Art. 152, par. 8, letter c) of the Labor Code, to be involved in various events organized by the employer, etc. An even wider range of potential addressees of legal norms can be identified in the case of legal effects of a higher-level collective agreement, provided that they meet the conditions of a representative higher-level collective agreement under Art. 7 and Art. 9a of the Act on Collective Bargaining. A notice of a conclusion of such an agreement is published in the Collection of Laws of the Slovak Republic. In this respect, the normative part of the collective agreement, including its generally binding nature, has obvious features of an act (the actual process of collective bargaining) carried out in the public interest, as it represents the equivalent of a legal norm contained in another formal source of law, e.g. in a law with the same legal effects.

In addition to the public interest as a legal basis for the processing of personal data, it is possible (especially for trade unions) to use other legal bases, for example, a consent of natural person (employees or members) under Art. 6, par. 1, letter a) of the GDPR (establishment of membership in a trade union, election to trade union bodies or bodies of the employee council, organizing individual or group events by employee representatives, etc.) to perform a contract to which the person concerned is a party or at the request of the person concerned, measures be taken before the conclusion of the contract pursuant to Art. 6, par. 1, letter b) of the GDPR (e.g. activities related to the establishment and exercise of rights arising from membership in a trade union, the implementation of individual or collective employment relationships in the form of trade union contributions), compliance with the legal obligation under Art. 6, par. 1, letter c) of the GDPR (e.g. in the area of fulfillment of obligations related to securing accounting and related documents, processing of applications of affected persons exercising their rights, implementation of individual or collective employment relations, etc.) or legitimate interest of employee representative according to Art. 6, par. 1, letter f) of the GDPR (e.g. processing of contact details, organization of various events for employees and trade union members, etc..).

Table 1: Example of the use of the legal bases in a trade union

Purpose of processing	**Legal basis of the processing activity** **Retention period**	**Category of beneficiaries**
Membership (registration, membership, termination of membership, membership fees, activities of members in connection with their membership)	Public interest, Contract, Consent, Labor Code in connection with Art. 9, par. 2, letter d) Regulations (a civic association processes personal data as part of its legal activities) **5 years after termination of membership or after termination of cooperation (data on persons in regular contact)**	Personal data is not provided.
Collective labor relations (strike, legal aid, collective bargaining, health and safety at work, inspections, creation and redistribution of the social fund, overseeing the compliance with the provisions of the Collective Agreement, negotiation related to the termination of employment, fulfillment of rights and obligations	Legal obligation, Public interest, Agreement, Consent, Collective agreement according to Art. 9, par. 2, letter b) Regulations, the Constitution of the Slovak Republic, Act no. 83/1990 Coll. on Association of Citizens, Act no. 2/1991 Coll. on Collective Bargaining, Act no. 311/2001 Coll. Labor Code, Act no. 84/1990 Coll. on the Right of Assembly Act no. 365/2004 Coll. Anti-discrimination law, Act no.	Employer, Labor Inspectorate, Entities providing cooperation (legal services, other professional assistance)

under the Collective Agreement and other tasks arising directly from legislation or from the Collective Agreement)	124/2006 Coll. on Occupational Safety and Health. In specific cases, consent or explicit consent may be given to the processing of personal data; the data subject will be informed of the conditions for granting consent and processing of personal data before such consent is granted. **5 years after the termination of membership or after the decision enters into force, after the provision of assistance, cooperation, after the end of the inspection, after the provision of the opinion and the like.**	
Elections to trade union bodies	Legal obligation, Public interest, Consent, Labor Code, Act no. 83/1990 Coll. on Citizen Associations (internal regulations governing the procedures for elections to bodies in accordance with the Act on Citizen Associations), Consent - the candidate consents to the disclosure of his personal data provided on the ballot. **Archived**	Employer
Support of leisure time activities (recreational vouchers), participation in children's camps, other types of support and assistance (including financial) to members	Contract, Consent, Contract to which the data subject (IOC member) is one of the contracting parties. In specific cases, consent or express consent may be given to the processing of personal data; the data subject will be informed of the conditions for granting consent and processing of personal data before such consent is granted. **5 years**	Employer (in specific cases arising under the Collective Agreement or based on the consent of the person concerned)
Organizing various events, meetings, conferences, activities (sports events, annual conference, ball), including the presentation of activities on the website and social network	Contract, Legitimate interest of the operator, Consent (or express consent). It is in the legitimate interest to organize events and present its activities, in order to motivate employees to join, to reward its members, present results, provide information on activities, etc. In specific cases, consent or explicit consent may be given to the processing of personal data; the data subject will be informed of the conditions for granting consent and processing of personal data before such consent is granted. **5 years**	Employer, service provider (e.g. accommodation booking, transport), organizer of a sporting event, in some cases personal data are published (photo, information on sporting achievements, etc.).
Providing information about activities and important events through a social network (FB - closed group)	Consent. Based on consent, members communicate in a closed group on the social network (FB). Consent is given the moment a request to join a closed group is placed. Consent can be revoked at any time by terminating the group membership. Withdrawal of consent does not affect the lawfulness of the processing of personal data until its revocation. Each member should pay close attention to the setting of their FB profile and set their privacy appropriately, taking into account the nature of the closed group. **For the duration of the membership**	Social networks
Publishing activity (the union magazine)	Public interest in connection with Act no. 18/2018 Coll. on the Protection of Personal Data (Art. 78), Issuing a magazine in order to inform about the activities of the trade union and important events **Archived**	Publicly available
Registry management, including recordkeeping system	Public interest, Act no. 395/2002 Coll. on Archives and Registries **10 years**	Ministry of the Interior of the Slovak Republic, another authorized entity
Fulfillment of obligations related to the provision of Accounting and related documents	Legal obligation, Act no. 431/2002 Coll. on Accounting, as amended, Act no. 222/2004 Coll. on Value Added Tax, as amended, Act no. 40/1964 Coll. Civil Code, as amended, Act no. 152/1994 Coll. on the Social Fund and on the amendment of Act no. 286/1992 Coll. on Income Taxes, as amended, Act no. 311/2001 Coll. Labor Code, as amended **10 years**	Tax office, auditor, intermediary
Litigation, out-of-court settlement, distrain, enforcement of legal claims and jurisdictions	Purpose compatible with the original purpose of processing, if under the given processing activity defined in this record of processing activities it is possible to assume the application of legal claims or the defense of the rights of the controller in accordance with the laws: Act no. 162/2015 Coll. Administrative Judicial Code, Act no. 160/2015 Coll. Civil Dispute Order, Art. 9, par. 2, letter c) of the GDPR, if the subject of the application of legal claims is personal data of a special category according to Art. 9 of the GDPR, Act no. 233/1995 Coll. Court Distrainers. **5 years after the end of the proceedings**	Parties
Security and protection of property, information, life and health, assets (including network security, security of buildings)	Security and protection of property, information, life and health, assets (including network security, security of buildings) **1 year**	Not provided.
Handling of complaints, suggestions related to the statutes	Public interest, consent (membership), Labor Code **5 years after the end of the investigation**	Participants
Contact details	Legitimate interest. It is in the legitimate interest of the operator to process contacts details of entities with which he maintains communication, has business relations, etc.. **For the duration of the contractual relationship, for the period of validity of the said contact details**	Parties, participants
Handling and registration of exercised rights of affected persons	Legal obligation, According to the Chapter III of Regulation 2016/679 on the protection of individuals with regard to the processing of personal data and on the free movement of such data **5 years**	Natural persons exercising the rights of the persons concerned

4 Conclusion

The appropriate legal basis for the processing of personal data must be based on the nature of the employee representative at the workplace. In the case of a trade union, personal data of a special category will be processed - trade union affiliation. The policy adopted shall also take into account activities carried out by employee representatives internally and in connection with third parties, taking into account possible activities which the trade union might implement. Notwithstanding this premise, however, we consider choosing the public interest as a go-to legal basis to be an option that provides employee representatives with a new approach, especially in managing internal affairs related to the personal data processing. Based on the above legal arguments and with reference to the legal regime of the supranational legislation of the International Labor Organization, the use of the public interest in specific processing operations is justified, proportionate or even desirable. However, employee representatives must have a corresponding document prepared in this regard which would implement the requirements of the GDPR Regulation. However, it is also required to pay attention to situations where the premise of public interest in personal data processing operation is not justified. In such cases the consent of the natural person concerned is required.

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Primary Paper Section: A

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