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RISKS FOR PERSONAL DATA OF AN EMPLOYEE WHEN THE EMPLOYER USES TECHNOLOGIES OF ARTIFICIAL INTELLIGENCE IN THE COUNTRIES OF THE EURASIAN ECONOMIC UNION

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Usage of neural network technologies, namely various learning and self-learning programs that gather, analyze a great volume of information on an employee and manufacturing process, have an access to a worldwide network, are integrated with video-, audio-, and other fixation systems by employers generates new economic and technological and social and legal risks. Inconsistence of labor and information legislation in the field of protection of personal data of employees determines novel conditions for potential violations of rights of employees and growth of the quantity of labor conflicts. Separate problems are caused by gathering and treating personal data with artificial intelligence and far from all of them are technical in nature, even if determined by specific features of neural network technologies. This article discusses main risks for personal data of employees under conditions of usage of specific neural network technologies for staff recruitment and supervision over employees, including monitoring in order to ensure the safety of work performance. With this object in view, labor codes, laws, and bylaws on labor protection, laws on protection of personal data of the countries of the EAEU. Systemic and complex analysis of sources of legal regulation and comparative legal studies were primary investigative techniques. In consequence of this, legal and social risks of usage of neural network technologies for staff recruitment and organization of supervision over compliance with labor discipline by employees, especially in regard to the provision of safe labor conditions, as well as discrepancies between labor and information legislations were revealed. Several methods for overcoming revealed

discrepancies, which allow to ensure a proper protection of employees' rights in the field of protection of personal data before long, were proposed.

Keywords: *protection of employees' personal data, artificial intelligence, neural network technologies, recruitment, labor protection, supervision of employer, safety of work performance*

РИСКИ ДЛЯ ПЕРСОНАЛЬНЫХ ДАННЫХ РАБОТНИКА ПРИ ИСПОЛЬЗОВАНИИ РАБОТОДАТЕЛЕМ ТЕХНОЛОГИЙ ИСКУССТВЕННОГО ИНТЕЛЛЕКТА В СТРАНАХ ЕВРАЗИЙСКОГО ЭКОНОМИЧЕСКОГО СОЮЗА

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Использование работодателями нейросетевых технологий – различных обучаемых и самообучаемых программ, которые собирают, анализируют большой объем информации о работнике и производственном процессе, имеют выход в глобальную сеть, интегрированы с системами видео-, аудио- и иной фиксации, – создает новые технолого-экономические и социально-правовые риски. Несогласованность трудового и информационного законодательства в области защиты персональных данных работников формирует новые условия для потенциальных нарушений прав работников и роста числа трудовых конфликтов. Отдельные проблемы возникают в связи со сбором и обработкой персональных данных при помощи искусственного интеллекта и далеко не все они носят технический характер, хотя и детерминированы спецификой нейросетевых технологий. В статье рассматриваются основные риски для персональных данных работников в условиях применения отдельных нейросетевых технологий при подборе персонала и контроле за работниками, включая наблюдение в целях обеспечения безопасности производства работ. С этой целью анализировались трудовые кодексы, законы и подзаконные акты об охране труда, законы о защите персональных данных стран ЕАЭС. Основными методами исследования стали системный и комплексный анализ источников правового регулирования и сравнительное правоведение. В результате были выявлены правовые и социальные риски применения нейросетевых технологий при подборе персонала и организации контроля за соблюдением работниками дисциплины труда, особенно в части обеспечения безопасных условий труда, а также противоречия между трудовым и информационным законодательством. Предложены отдельные способы преодоления выявленных противоречий, которые в перспективе позволят обеспечить надлежащую защиту прав работников в области защиты персональных данных.

Ключевые слова: *защита персональных данных работников, искусственный интеллект, нейросетевые технологии, трудоустройство, охрана труда, контроль работодателя, безопасность производства работ*

Introduction. Today we are bystanders of active development of neural network technologies and their implementation into labor organization and management. This technology imitates the human brain work process based on mathematical algorithms

by processing great volumes of data and capable for learning and self-learning. A neural network, by processing big data, finds regularities, processes them, and draws conclusions. For legal science, it is more common to discuss issues of usage of neural networks in automated control systems, for example in motor vehicle driving, where these technologies generate novel problems for the labor and employment market, and current legal regulations do not meet modern needs [Blagodir, 2023]. Hence neural network technologies even today generate conditions for substantial structural changes in the labor and employment market. By virtue of the fact that it is impossible to stop the progress, it is necessary to perceive its imminence and develop a system of adaptation for current and subsequent changes. The more so as technical revolutions already happened previously when an existing economic set-up had been replaced by novel one [Schwab, 2016].

Another currently popular problem discussed by scientists performing studies in the field of the labor law is usage of neural networks for personnel recruitment and assessment [Chudinovskikh, 2023].

One can agree with the conclusion made by I. A. Filipova that even today at large enterprises algorithmic management is actively introduced with automatizing the processes of staff recruitment, work measurement, and control over execution by employees of their labor duties through the use of software with artificial intelligence [Filipova, 2021: 20].

Materials and methods. In order to achieve the purpose in hand and defined tasks, the labor and information legislations of the countries of the EAEU are analyzed to the extent that it regulates issues of employment, non-discrimination in the field of labor, protection of employees' personal data, organization of labor protection by the employer, as well as the information laws on gathering and processing of personal data. Opinions of legal scholars on the problem under study and separate materials of print media are examined in view of the fact that nowadays relationships in the mentioned area are dynamically changed, and the technologies under study are permanently developed. Systemic and complex analysis of laws and regulations of the Russian Federation, Republic of Belarus, Republic of Kazakhstan, Republic of Armenia, and Republic of Kyrgyzstan; comparative method; and expert evaluation method were primary investigative techniques. Conclusions on the study outcomes are both theoretical and practical in nature and suggest specific directions on improvement of the labor legislation of the countries of the EAEU.

Results. Usage of different neural network technologies by employers generates various not quite understandable technical, economic, social, and legal consequences. Technical and economic consequences of implementation of the automatization of a part of workplaces using artificial intelligence look the most predictable. A part of workplaces will be lost. This problem is discussed in many current publications containing different predictive indicators, for example, according to Forrester, up to one third of workplaces in Europe will be possibly reduced due to the automatization during next 20 years [Hughes, 2022]. In Russia, a probability to lose occupation due to digitalization is high in 11 % of the working population as estimated by investigators from the Higher School of Economics University [Gimpelson, 2022]. Scientists from the Russian Presidential Academy of National Economy and Public Administration give even less favorable outlooks as they consider that 'risks of digitalization and automatization' will affect about 20 million people [Zemtsov, 2019]. Separate outlooks are given when estimating possible withdrawal of workplaces as a result of development of generative artificial intelligence [Zhankubaev, Argandykov, Shumekov, 2024]. However, on the other hand, people remained at work will be controlled by neural networks that are also created and taught by people. As estimated by several investigators, by 2040, the technologies will control those who have not lost their workplace due to automatization (up to 25 %). People who have become unemployed because of automatization and robotization will either teach neural networks or optimize

processes in companies based on the potential opportunities of efficiency growth revealed by neural networks [Delyukin, 2020].

As social and legal risks of implementation of neural network technologies, formation of relatively novel conditions for violations of employees' labor rights and therefore the emergence of novel reasons for labor disputes should be considered. When using neural network control, it is impossible to reliably establish the purposes for gathering and processing of information; made decisions are not transparent, the algorithms for their making may be discriminative in nature; solutions for gathering of the employee special personal data, including information on his/her biometrics, health condition, behavior, habits, other personality and social characteristics, etc., are not authorized. Imperfection of the legislation on the protection of employees' personal data is associated with a lag in legal regulation from actually emerging relationships in the world of work as well as revealed internal contradictions of the legislation.

Discussion. When considering prospects of *usage and development of computer programs for staff recruitment*, primary risks in this respect, in our view, are associated, from one side, with uncontrolled intervention into a private life of an employee during formation its digital profile and, from another side, with non-transparency of the program outputs related to forecasting of the employee possible future actions and making of personnel decisions based on them. The program creates a digital profile by gathering data not only and not so much from personal information directly submitted to an employer by the employee but also from social networks, digital or digitalized mass media and other network sources, the reliability and legality of which are unamenable to control by the owner of personal data. And therefore the following problems typical for all countries of the EAEU appear.

In the first place, the law, namely Art. 65 of the Labor Code of the Russian Federation, Art. 26 of the Labor Code of the Republic of Belarus, Art. 35 of the Labor Code of the Republic of Kazakhstan, Art. 89 of the Labor Code of the Republic of Armenia, and Art. 64 of the Labor Code of the Kyrgyz Republic, directly prohibits to require any documents not prescribed by the law from an employee during employment. Interestingly, it is precisely these documents that frequently contain necessary for an employer information allowing to judge about professional qualities of a prospective employee.

In the second place, gathering of the information inconsistent with a purpose of gathering of the employee's personal data is prohibited in Russia where such purposes are stated in Art. 86 of the Labor Code of the Russian Federation:

enforcement of laws and other regulations;
promotion of employment, education, and career development;
ensuring the employees' personal security;
maintenance of control of amount and quality of performed work;
safekeeping of property.

This apparent from this list that gathering of information about employee's 'life history', his/her interests, viewpoints, social behavior (it is precisely this information that is extracted from social networks in the majority of cases) cannot be justified by any declared purposes of the employee personal data processing. Thus gathering of information about an employee from the Internet violates basic principles of processing of personal data that are stated in Art. 5 of Federal Law 'On Personal Data' No. 152-FZ (152-ФЗ) dated July 27, 2006 as the impermissibility of the personal data processing inconsistent with purposes of gathering of these data; compliance with the legal purposes of processing of the content and volume of processed personal data; impermissibility of the personal data duplication as related to declared purposes of processing.

Labor codes of other member-state of the EAEU regulates issues of the protection of employees' personal data in a variable degree, frequently contain blanket rules referring to a special law on personal data.

In the Labor Code of the Republic of Belarus, personal data are mentioned only once in connection with establishment of additional grounds for separation from employment for separate categories of employees (Art. 47). In the Law of the Republic of Belarus 'On Protection of Personal Data' No. 99-Z (99-3) dated May 7, 2021, Article 4 on general requirements for processing of personal data states the principle of proportionality for processing of personal data in relation to declared purposes, as well as restriction of processing of personal data by achievement of specific pre-declared legal purposes.

In the Labor Code of the Republic of Kazakhstan, 'personal data' are mentioned four times within the context of determination of competencies of the government labor body (Art. 16) and its territorial unit (Art. 17), as well as basic rights of employees and responsibility of employer (Art. 22 and Art. 23 respectively) with references to the legislation of the Republic of Kazakhstan on personal data and their protection. In Art. 14 of the Law of the Republic of Kazakhstan 'On Personal Data and Their Protection' No. 94-V dated May 21, 2013, there is a provision specifying to use personal data only for pre-declared purposes of their gathering.

In the Labor Code of the Republic of Armenia, there is a whole Chapter 16 devoted to the protection of employees' personal data. This Code contains principles similar to the Russian ones, including the purpose-oriented approach of processing of employees' personal data (Art. 132).

In the Kyrgyz Republic, the Labor Code does not contain any provisions on the protection of employees' personal data. However, provisions of interest are included into the Law of the Kyrgyz Republic 'On Information of Personal Nature' No. 58 dated April 14, 2008; in the Article 4, the purpose-oriented approach of gathering and usage of employee's personal data is also stated.

In the third place, when gathering information about an employee by a computer program, principles of specific, objective, informed, conscious, and unambiguous consent of a subject of personal data for their processing are violated. In this context, even written consent of an employee for gathering any information about him/her from open sources of the Internet, even for his/her employment or career development, violates the principle of specific and unambiguous consent as at the moment of provision of such consent nobody, including the employee (subject of personal data), does not fully understand exactly what kind of information about him/her will be found and processed by a neural network with subsequent influence on making of personnel decisions. Requirements on consent of a subject of personal data for gathering and processing of these data are included into laws of all member-states of the EAEU.

In the fourth place, the social risk includes a separate aspect of non-transparency of the program outputs, especially predictive in nature, which is connected with 'machine' processing of personal data of an employee or prospective employee. When processing big data, an output of neural network may not be clear and evident for a person making or only formalizing a decision. Prohibition on making decisions based on the personal data obtained exclusively from their automatized processing or electronic acquisition is stated in Art. 86 of the Labor Code of the Russian Federation and Art. 132 of the Labor Code of the Republic of Armenia. However, statement of such prohibition does not solve problems by virtue of non-transparency of personnel decisions and lack of effective or informal control over their making in any meaningful way.

In the fifth place, the non-transparency of decision on refusal to hire may place the employer in a difficult position. It is hardly probable that they can ensure the observance

of anti-discriminatory warranties during the hiring process and clearly explain reasons of refusal, not connected with discrimination, to unsuccessful employee. Taking into account peculiarities of the neural network self-learning, in this case discrimination risks during the hiring process remain very high, especially in the lack of adequate legal regulation [Shcherbakova, 2021; Krylov, 2023].

In the sixth place, general problem of the employee's personal data digitalization, namely high risks of the data loss during their storage and transfer, is still actual [Nurmagambetov, Zhumabaeva, 2022: 117].

In the seventh place, usage of neural network technologies, including for formation of the employee's digital profile through gathering of information in social networks, aggravates the issue on the employee's right of privacy. The same is equally actual for the situation of neural network control over employees as well [Filipova, 2020].

Even more problems, in our view, are caused by *the usage of neural network technologies in the field of control over proper execution by employees of charged duties*. However, before highlighting these problems, it should separately note such types of programs of artificial intelligence, which even today are used for implementing the mentioned control.

1. Industrial neural networks that perform permanent control over a manufacturing process. Their control over the manufacturing process is direct in nature. The system comes into action not by a change in any zone but by a change in a specific device during emergency threatening the human life, turns off the power, and 'call' for help. Such industrial neural network concerns work operations that are carried out by an employee while affecting the equipment and processes. Such control is rather technical in nature and, as regards effect on labor rights of employees, does not raise any special concerns for their implementation and security if they are not integrated with video- or other monitoring systems. The exception is provided by the systems that fix not only correctness of the realization of manufacturing process but also quantitative productive measures of employees with formation and changing of worktime standards based on these data and making (initiating the making) of personnel decisions for persons who do not fulfil averaged worktime standards.

2. Detectors of dress code, use of personal protection equipment, as rule, are integrated with video-monitoring systems. They not only extract and fix a fact of non-use or improper use of personal protection equipment but also allow to identify a violator with sending the information to an immediate supervisor or another person responsible for ensuring work safety.

3. Computer tracking programs allow to track, in continuous regime, every action performed by an employee in front of a computer, measure the activity level of its work, monitor whether he/she uses resources that are not related to working tasks, and others.

4. Attention detectors can be integrated with video-monitoring systems and compute tracking programs. Such programs were more actively tested by higher educational institutions during the period of COVID-19 pandemic within the framework of forced transition into remote forms of education in order to enhance of the objectivity of current and intermediate assessment of students. They can also be used for implementing the control over the level of labor discipline of employees, their productivity, and fulfilment of established worktime standards.

5. Face detectors that not only allow to identify a personality (thus, it is more common at present to use them in criminal analysis as well as for organizing a pass entry system and controlling the working hours of an employee) but, when they are integrated with thermal imaging cameras and contactless thermometers, also can monitor health status of employees starting from increase of body temperature. So called 'beauty' neural networks

can not only monitor face skin changes after exposure of tested cosmetic products over time but also be used for permanent and dynamic observance over changes in human health condition under exposure other factors that are a far cry from the beauty industry.

6. Other detectors, for example the head detector used for verification of the adequacy of the subject behavior. Distance detector used for monitoring the keeping of certain distance between people or a man and mechanism, any area of a manufacturing process. Today it is used to ensure safety of ATMs, secure facilities from unauthorized penetration or prevention of unlawful acts. These detectors can be also used for control over labor process when presence or absence of any certain pose in an employee or keeping of a certain distance is important.

7. Detector of labor productivity (can be integrated with an industrial neural network) allows not only to monitor the productivity but also set worktime standards based on productive measures of the majority of employees. Therewith employees who do not fulfil standards will receive an automatic notification, and the non-fulfilment of standards persists they will also receive tasks for retraining or a notification on separation from employment as, for example, it takes place at warehouses of Amazon [Nizhelskaya, Staritskaya, 2020].

These and other neural network programs in the field of organization and management of labor of employees use:

'machine vision' when a visual content is used for recognition and identification of faces during video-monitoring, which allows to find people faces in an image by their typical features, simplify, and accelerate a wide range of key processes of an enterprise, for example automatic access to an object, personnel management, notification on the attendance of necessary person (people), systematization of movement routes, transit time, and others, allows to track a route and activities of a specific person over time and space;

speech recognition when audio-monitoring is realized or in order to simplify the fixation during the conversion of said text into a written document or subtitle broadcasting;

processing of a natural language for the work of automated chatbots and virtual agents, analysis of information gathered about an employee to form a digital profile;

immediate making of decisions and particularly guidance actions based on analyzed data for optimizing management for standard situations;

forecasting and approximation based on the analysis of a great volume of data to predict the development of a situation, manufacturing processes, possible behavior of an employee during a specific situation, potential consequences for changing a status or job positions, and others.

In Russia, powers and authorities of an employer to control over execution by an employee of his/her labor duties are implied by provisions of Art. 15 and 56 of the Labor Code of the Russian Federation, which define a work under supervision of the employer as one of signs of an employment relationship and thus a labor agreement, as well as Art. 22 of the Labor Code of the Russian Federation, which provides for the employer's right to 'demand the execution by employees of their labor duties and solicitous attitude to the employer's property… observance of the internal policies and procedures, labor protection requirements'. The manner in which the employer may enforce this right of demand is not explained in provisions of General Part of the Labor Code of the Russian Federation as well as in provisions of Section VIII on labor regulations and discipline. At the same time, recent changes made in Section X of the Labor Code of the Russian Federation on labor protection from now on provide for an employer's right 'to use devices, mechanisms, equipment, and (or) complexes (systems) of devices, mechanisms, equipment, which realize remote video-, audio-, or other fixation of processes of work performance for purpose to ensure production

safety, organize the storage of obtained information' (Art. 214.2). In Art. 214 of the Labor Code of the Russian Federation, in connection with the above, a responsibility of employer to inform employees 'on usage of devices, mechanisms, equipment, and (or) complexes (systems) of devices, mechanisms, equipment, which realize remote video-, audio-, or other fixation of processes of work performance for purpose to ensure production safety'.

Law of the Republic of Belarus 'On Labor Protection' No. 356-Z (356-3) dated June 23, 2008 states a comprehensive list of responsibilities of employer in the field of labor protection, which requires that an employer has a certain tools for control. The latter is described in detail in the Instructions on the Procedure for Controlling over Execution by Employees of Requirements of Labor Protection in an Organization and Its Business Units, approved by Decree of the Ministry of Labor of the Republic of Belarus No. 51 dated May 15, 2020. The Instructions predominantly define competencies of an employer, its officers, and departments as regard to control activities with detailed description of items to be controlled and respective frequency. Therewith forms of such control are not defined, and point 3 of the Instructions, which allows to introduce a system of personified accounting of violations of requirements for labor protection, done by an employee, gives opportunities for automated gathering and processing of such violations, including by means of advanced artificial intelligence technologies.

In the Labor Code of the Republic Kazakhstan, Chapter 22 is devoted to internal control over labor safety and protection on the part of an employer, which in addition includes monitoring and real-time analysis. Such control can also be implemented using the most recent technologies, which is not directly indicated in the Code but seems to be quite permissible.

The Labor Code of the Republic of Armenia, in Article 248, contains a right of employer to establish a procedure for ensuring safety and observing the requirements to the organization employees' health but without detailed description of forms and types of possible control, which gives massive opportunities for employer as may be necessary for execution of the responsibility to adopt legal regulations on ensuring employees' safety and health protection.

The Labor Code of the Kyrgyz Republic, in Article 211, contains a responsibility of employer on organizing control over labor conditions on workplaces, as well as over observing the labor protection requirements by an employee.

From the content of the listed provisions of labor legislation of the countries of the EAEU, it is evident that:

1) control over production safety can be implemented using any forms of the labor process fixation, which probably also include neural network technologies, particularly but not exclusively with integrated video- and audio-monitoring. In connection with the above, particular attention should be given to the issue on legal regulation of video-monitoring over employees [Mashkov, Kostyuchenko, 2023];

2) mentioned control (using various means of process fixation) is implemented with the purpose to ensure the safety of work performance. In connection with the above, the safety of work performance covers a wide range of relationships, exceeding the limits of term 'labor protection', which includes not only sustaining the life and health of employees but also preserving the integrity of equipment, processes, environment, tangible and intangible values of all persons who hypothetically may be affected by this process (users, suppliers, human population, and others);

3) this exactly entails the control, and thus it is impossible to assent to the opinion of E. M. Ofman on the necessity to differentiate the control and monitoring by the sign of systematicity and length [Ofman, 2021]. Video-, audio-, and other (digital) fixation is performed on continuous basis and indeed aggressive in nature, a high-level stressful

factor for employees, but therefrom with regard to the legal regulation they cannot be considered as monitoring and represent means of process fixation for the purpose of control;

4) indicated control is implemented only provided that an employee is informed, no consent of employee for video-, audio-, or other fixation is required in Russia.

In the wake of E. M. Ofman, we can note that 'the legislator gave employer a virtually unlimited opportunity to unilaterally perform monitoring over employees using digital technologies without obtaining their voluntary consent' [Ofman, 2021: 80]. However, we would not go so far as to unequivocally negatively assess such decision of the legislator. Its inconsistency, in our view, is not defined by the lack of balance of interests of an employee and employer. In this case, this probably entails the necessity of choice between private and public interest in favor of the latter as the regulation deals with the production safety and labor protection, and in this area public interests historically have preference. The inconsistency is formally arisen out in connection with the collision of provisions on the personal data protection and control over the production safety with respect to processing the employees' biometric data without their consent. Biometric personal data is information on physiological and biological features of an employee, which allows to identify his/her personality [Sapfirova, 2023]. A neural network using programs of face recognition definitely performs gathering and processing the biometric data that subsequently form the backbone of made managerial decisions on separation of an employee from employment or bringing him/her to disciplinary responsibility. According to laws on the personal data protection of all member-states of the EAEU, such personal data can be processed only after obtaining a written consent of a subject of personal data (employee). If, in contract, such position is held then an issue on not only the formality and conditionality of such consent of an employee due to disbalance of strengths and capabilities of the labor agreement parties but also possible consequences of his/her refusal is arisen. In fact if an employer introduces widespread fixation of manufacturing processes using a neural network and video-monitoring system integrated with such network then the refusal of one employee cannot be a reason for refusal to implement such technological solution as regards safety control, and the lack of data on one employee in the system (let's imagine such absurd situation when he/she realized his/her 'right to be forgotten' in that particular way), when revealing violations of the rules by such single 'non-identified subject' on a guarded manufacturing territory of the employer, allows to quite definitely identify him/her since he/she is such a single employee or he/she can be recognized on a record without using the neural network technologies in so called 'manual mode'. Of course, in this case, the exercise of the right to be forgotten for another reason seems to be impossible. The employee personal data cannot be removed from the employer system as they are necessary for execution of legal duties of the employee and exercise of authoritative powers of supervising employer.

In this connection, a global issue on the practicability and reasonableness to obtain the employee consent on processing the personal data by the employer, which are necessary in connection with exercise of occupation by the employee and fulfilment of the labor legislation is arisen. The legislation of the Republic of Belarus is more consistent from this viewpoint. Article 6 of the Law of the Republic of Belarus on the protection of personal data defines the personal data that do not require a consent of the personal data subject as the data processed for arranging the labor (employer – employee) relationships as well as within the process of labor (employment) activity. Wordings of the Russian legislation, related to this issue, are less unambiguous. They provide for a possibility to introduce exceptions from the general rules of the personal data processing for the legal legislation that does not provide for, for example, a possibility to recall personal data by the subject

(employee). However, such wordings of the Labor Code of the Russian Federation, used in Chapter 14, such as 'excluding cases envisaged by this Code and other federal laws', introduce unnecessary uncertainty into the processes of rights and law enforcement.

So we return to one of the above-described theses that obtaining by an employer the consent of an employee for processing his/her personal data, including biometric data, for purposes of the production safety control is not necessary. Whereas, the synchronization by these issues of the labor and information legislation in the field of personal data with taking into account special features of labor relationships and objectives of the labor legislation seems to be really necessary.

Conclusion. In order to summing up, it is we would like to note that the extent of the actuality of the issues under discussion is directly proportional to the level of the implementation of neural network technologies into manufacturing processes. And this level will be definitely higher in future. Today it is possible to state that the legislation of member states of the EAEU does not meet novel challenges associated with the use by employees of any technologies of artificial intelligence in the field of personnel recruitment and assessment, control over execution by employees of their labor duties, including in the field of production safety assurance. Discrepancies between the labor legislation and labor protection legislation that allow to use various high-tech systems for gathering the information about an employee and his/her participation in a manufacturing process and the legislation on the protection of employees' personal data were revealed. It seems that it is necessary to realize the legislative recognition of the principles of use of neural network technologies in the world of work. For example, such principles are given here below:

prohibition of gathering and processing of the information on the employee's private life and other information inconsistent with a purpose of gathering of personal data;

exclusion of a possible use of algorithms that are discriminative in nature;

ensuring the transparency of the program algorithms used for making of personnel decisions;

obligatory notification of an employee about the neural network technologies related to the employees' labor rights, which are used by the employer.

In addition, while recognizing a priority of public interests in the area of safety over private interests, it is necessary to establish rules on opportunities of an employer to process personal data of an employee without his/her consent when respective personal data are necessary for the initiation and implementation of labor relationships, fulfilment of the requirements of the labor legislation and legislation on industrial safety and labor protection.

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