
DATA PROTECTION AND GIG WORKERS: A DOCTRINAL INQUIRY INTO ALGORITHMIC CONTROL, PRIVACY RIGHTS, AND LEGAL ACCOUNTABILITY

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ABSTRACT

The rise of the platform economy has fundamentally reshaped the world's economy and the ways of working. Millions of platform workers in the field of delivery riders navigating streets, freelance coders working through the night, domestic workers booked at a swipe are now earning their livelihoods under the watchful eye of algorithms. These digital systems coordinate tasks and surveil, evaluate, reward, penalize, and, even see if the case fits for deactivate. In this current time the law is yet to acknowledge this new face of managerial power. This article is about a doctrinal examination of the intersection between data protection law and algorithmic control in the gig economy. Argument comparatively drawn from that of the General Data Protection Regulation (GDPR), the EU Platform Work Directive 2024, India's Digital Personal Data Protection Act 2023 (DPDPA), and ILO Code of Practice on Workers' Personal Data 1997, relevant judicial and regulatory developments, it defends the idea that existing data protection frameworks are structurally ill-equipped to address the flaws arising from algorithmic management. The article identifies four doctrinal fault lines which are: (i) the inadequacy of consent as a legitimating basis, (ii) the opacity of automated decision-making, (iii) the misclassification problem and its data-protection consequences, and (iv) the absence of meaningful redress & dispute resolution mechanisms. The article concludes by proposing a Labour-sensitive, rights-based doctrinal architecture that embeds worker dignity at the centre of data governance in the platform economy.

Keywords: Algorithmic Control, Gig Workers, Data Protection, GDPR, DPDPA, Platform Economy, Automated Decision-Making, Worker Surveillance, EU Platform Work Directive, Doctrinal Research.

I. INTRODUCTION

The gig economy presents a paradoxical relationship between its marketing of independence and the reality of its constraints. Workers are told they are their own bosses who are free to choose their hours, their clients, their pace. In reality every minute and actions of a platform workers day is tracked by a smartphone application. The tracking of the route taken, the time spent, the customer's rating. There is sudden drop in earnings when an algorithm decides, without explanation about the exhaustion of the today's surge. This in reality is not a freedom however a surveillance dressed in the language of entrepreneurship.

India alone employs approximately 24% of the global online labour force and makes it a single largest contributor to the global gig economy,¹. The figure is projected to grow to 23.5 million workers by 2030.² Globally, the EU has estimated over 28 million people work through digital labour platforms.³ These numbers are not simply economic statistics however represents the human beings whose livelihoods, privacy, and dignity are dependent and controlled by automated systems.

Doctrinal legal research can be of great importance and can play a major role to play here by careful analyzing the text, structure, and interpretive possibilities of existing law. The doctrinal research can reveal the gaps in the law falls short and necessary reform. This article adopts methodology of examining data protection frameworks not as theoretical regulatory instruments but in practicality to evaluate if these can protect or abandon workers in the platform economy.

The central argument to this algorithmic control is about the generation of continuous, high-stakes data processing about workers. These data processing shapes every aspect of their working lives. But in Irony the data protection law in its present form, does not adequately recognize the power asymmetry at the heart of the platform relationship. The law protects “data subjects” and has not addressed adequately protect against the “algorithmic subjects” workers

¹ Ankit Kapoor and Karthik Rai, 'Gig Economy: A Tale of Algorithmic Control and Privacy Invasion' (2023) National Law School of India Review, NLSIR, available at: <https://www.nlsir.com/post/gigeconomy-a-tale-of-algorithmic-control-and-privacy-invasion> (accessed 28 April 2026).

² Spicer Route Legal, 'Gig Workers and Personal Data Protection: Legal Considerations' (2025), available at: <https://spiceroutelegal.com/publications/gig-workers-personal-data-protection/> (accessed 28 April 2026).

³ Meghna Bal, 'India's Gig Workers Need a Labour-Sensitive Data Protection Law' The Leaflet (17 November 2025), available at: <https://theleaflet.in/labour-law/indias-gig-workers-need-a-labour-sensitivedata-protection-law> (accessed 28 April 2026).

whose livelihood depends on data-driven decisions and remains uncontested.

II. ALGORITHMIC CONTROL: CONCEPT, MECHANICS, AND LEGAL SIGNIFICANCE

Algorithmic management refers to the use of automated or semi-automated decision-making tools which rely on data collection and surveillance to manage workers⁴ It determines the tasks, bonuses, penalties, and later the deactivation without any human explanation or review.⁵ Platforms like Uber, Ola, Swiggy, Zomato, and Instacart have entirely built their entire operational model based on these systems.⁶

The legal distinctive character of the algorithmic control is its simultaneity and scale. A single platform can process millions of data points for thousands of workers in real time and track the location, speed, task acceptance rate, customer rating, cancellation history.

It can data into management decisions in milliseconds.⁷ It is impossible for any human manager to exercise this degree of granular control. It was observed by the commentator that, "algorithms are the new masters, and they are no longer in blatant but omnipresent control."⁸

The doctrinal perspective on the algorithmic control is a intersection of employment law, contract law, and data protection law.⁹ This article is focused on the perspective of data protection since it is the most structurally developed regulatory domain however remains paradoxically silent on the specific harms of algorithmic workplace management.¹⁰

⁴ Daniel A. Agbeley, 'Artificial Intelligence, Algorithmic Management, and Worker Protection' (2026) 12(2) Law Journals, available at: <https://www.lawjournals.org/assets/archives/2026/vol12issue2/12140.pdf> (accessed 28 April 2026)

⁵ AM Legals, 'Gig Economy and Algorithmic Management: Rethinking Worker Autonomy and Platform Control' (15 March 2026), available at: <https://amlegals.com/gig-economy-and-algorithmic-managementrethinking-worker-autonomy-and-platform-control/> (accessed 28 April 2026)

⁶ Oxford Business Law Blog, 'Governing Global Gig Platforms When the Manager is an Algorithm' (24 July 2025), available at: <https://blogs.law.ox.ac.uk/oblb/blog-post/2025/07/governing-global-gig-platformswhen-manager-algorithm> (accessed 28 April 2026)

⁷ CEUR-WS, 'Bridging Law and Code in Algorithmic Management' (2024) Vol-4074, available at: <https://ceur-ws.org/Vol-4074/paper2-1.pdf> (accessed 28 April 2026)

⁸ AM Legals, 'Gig Economy and Algorithmic Management' (n 5)

⁹ IJLLR, 'Algorithmic Management in Gig Workers: Examining the Risks to Workers' Rights and Accountability' (21 April 2026), available at: <https://www.ijllr.com/post/algorithmic-management-in-gigworkers-examining-the-risks-to-workers-rights-and-accountability-mec> (accessed 28 April 2026)

¹⁰ IJLLR, 'Algorithmic Management in Gig Workers: Examining the Risks to Workers' Rights and Accountability' (21 April 2026), available at: <https://www.ijllr.com/post/algorithmic-management-in-gigworkers-examining-the-risks-to-workers-rights-and-accountability-mec> (accessed 28 April 2026)

A. The Data Ecosystem of the Gig Platform

Gig platforms in its core are data-processing enterprises. The service product they have on the platform or sell like ride, meal, task are only the visible output of an invisible data machine.¹¹ Workers' personal data is collected like geolocation during transit, behavioural metrics during work, biometric verification on login, financial transaction records, and customer-generated ratings are collected at each stages. These data work as the performance appraisals.¹¹ This data is then used not only in real time but often retained well beyond the contractual relationship — for targeted advertising, urban mapping, and future algorithmic training.¹²

The National Law School of India University's Labour Studies Centre, in a 2025 study, established that the algorithms in India have a wider control on gig worker's daily schedule with granular detail. This is used to determine, when they can receive surge notifications, their ratings affecting future task allocation, and regarding account suspension.¹³ Human Resource Watch's 2025 report on the United States established that major gig platforms use opaque algorithms to assign jobs and determine wages. This means workers often do not know how much they will earn until a task is already complete.¹⁴

B. Why This Matters: The Rights at Stake

Algorithmic control contradicts at least five categories of basic fundamental rights: the right to privacy, the right to equal treatment, the right to livelihood, the right to human dignity, and the right to have collective bargaining.¹⁵ Post worker deactivation by an algorithm without any prior notice and choice for explanation or the appeal leads to the violation of all five rights

¹¹ K S Anand & K, 'Data Privacy Risks for HR Tech and Gig Platforms in India' (8 February 2026), available at: <https://ksandk.com/data-protection-and-data-privacy/data-privacy-risks-hr-tech-gig-platforms/> (accessed 28 April 2026)

¹² Digital Freedom Fund, 'Secret Algorithms and Hidden Data Flows Violating Rights of Gig Workers', available at: <https://digitalfreedomfund.org/case-studies/secret-algorithms-and-hidden-data-flows-violatingrights-of-gig-workers/> (accessed 28 April 2026)

¹³ MediaNama, 'Algorithms Decide How Gig Workers Work in India, New Study Finds' (23 December 2025), available at: <https://www.medianama.com/2025/12/223-algorithms-gig-workers-india-new-study/> (accessed 28 April 2026)

¹⁴ Human Rights Watch, 'The Gig Trap: Algorithmic, Wage and Labor Exploitation in Platform Work in the US' (12 May 2025), available at: <https://www.hrw.org/report/2025/05/12/the-gig-trap/algorithmicwage-and-labor-exploitation-in-platform-work-in-the-us> (accessed 28 April 2026)

¹⁵ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data (General Data Protection Regulation) [2016] OJ L119/1

simultaneously engaged.¹⁶ The legal question to watch in this case is whether existing data protection frameworks have the doctrinal resources to address these harms.

III. THE GDPR FRAMEWORK: PROMISES AND FAULT LINES

The General Data Protection Regulation (EU) 2016/679 (GDPR) till date remains the most comprehensive data protection instrument in the world.¹⁷ The regulation also is a primary reference point for doctrinal analysis of algorithmic workplace management. It applies on all of the processing personal data based on the controllers established in the EU. It is also applicable to the extraterritorially to processing related to offering goods or services to EU data subjects.¹⁸

A. Article 22: The Automated Decision-Making Safeguard

Article 22(1) of the GDPR provides that “the data subject shall have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning him or her or similarly significantly affects him or her.”¹⁹ In the gig economy context, this provision may lead to have transformative effect on the worker where they are 'significantly affected' due to algorithmic deactivation, or the automated performance evaluation, or the system-generated bonus calculation based on the decision of automated processing.²⁰

The doctrinal reality is more complicated in this context. Article 22(2) provides few exceptions. The exceptions are mainly on the legitimate use of automated decisions when necessary for the performance of a contract or when it is subjected to explicit consent.²¹ Platforms however have

¹⁶ AM Legals, 'Gig Economy and Algorithmic Management: Rethinking Worker Autonomy and Platform Control' (15 March 2026), available at: <https://amlegals.com/gig-economy-and-algorithmic-managementrethinking-worker-autonomy-and-platform-control/> (accessed 28 April 2026)

¹⁷ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data (General Data Protection Regulation) [2016] OJ L119/1

¹⁸ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data (General Data Protection Regulation) [2016] OJ L119/1

¹⁹ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data (General Data Protection Regulation) [2016] OJ L119/1

²⁰ GDPR-Text, 'Article 22 GDPR — Automated Individual Decision-Making, Including Profiling', available at: <https://gdpr-text.com/read/article-22/> (accessed 28 April 2026)

²¹ GDPR Info, 'Art. 22 GDPR — Automated Individual Decision-Making, Including Profiling', available at: <https://gdpr-info.eu/art-22-gdpr/> (accessed 28 April 2026)

systematically exploited the contractual exception. Platform has embedded the broad data-processing permissions into standard-form worker agreements and by claiming necessity to perform the service contract.²² The “Worker Info Exchange” documented that Uber refused to provide the personal data of drivers or the logic of the algorithmic management required by law hence leading to the frustration of the workers' ability to exercise Article 22 rights.²³

Article 22 on its remedial value is undermined and can be seen as the “rubber-stamp” problem. Article 22 protections from unfair automated decision-making provides scapegoat exception options to employers who can claim indicative as human review against the rubber-stamp on the unfair machine-made decisions.²⁴ A human manager who clicks 'approve' on an algorithmically generated deactivation is in true context 'intervene' in the automated process. In order to conclude Article 22 of the act may be only legally sufficient however insufficient in practical world.

B. Transparency and the Right to Explanation

Articles 13, 14, and 15 of the GDPR require data controllers to provide meaningful information about the logic involved in automated decision-making. It envisages the consequences for the data subject.²⁵ In real world the platform privacy notices are lengthy, technical, and are written by lawyers for compliance officers and not for the human beings.²⁶ Gig workers often working against time pressure and economic precarity are poorly positioned and are helpless to decode these disclosures or to exercise the rights which protect them against these.²⁷

²² Worker Info Exchange (as reported), 'Gig Economy Algorithmic Management Tools: Unfair and Opaque' Computer Weekly (14 December 2021), available at: <https://www.computerweekly.com/news/252511001/Gig-economy-algorithmic-management-tools-unfairand-opaque> (accessed 28 April 2026)

²³ Worker Info Exchange (as reported), 'Gig Economy Algorithmic Management Tools: Unfair and Opaque' Computer Weekly (14 December 2021), available at: <https://www.computerweekly.com/news/252511001/Gig-economy-algorithmic-management-tools-unfairand-opaque> (accessed 28 April 2026)

²⁴ Worker Info Exchange (as reported), 'Gig Economy Algorithmic Management Tools: Unfair and Opaque' Computer Weekly (14 December 2021), available at: <https://www.computerweekly.com/news/252511001/Gig-economy-algorithmic-management-tools-unfairand-opaque> (accessed 28 April 2026)

²⁵ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data (General Data Protection Regulation) [2016] OJ L119/1

²⁶ ScienceDirect, 'GDPR-Compliant AI-Based Automated Decision-Making in the World of Work' (2023) Computer Law & Security Review, available at: <https://www.sciencedirect.com/science/article/pii/S0267364923000584> (accessed 28 April 2026)

²⁷ Human Rights Watch, 'The Gig Trap: Algorithmic, Wage and Labor Exploitation in Platform Work in the US' (12 May 2025), available at: <https://www.hrw.org/report/2025/05/12/the-gig-trap/algorithmicwage-and-labor-exploitation-in-platform-work-in-the-us> (accessed 28 April 2026)

The CJEU has interpreted the 'right to explanation' in strict way by limiting it to a posthoc explanations of individual decisions rather than a prospective transparency about algorithmic systems.²⁸ For gig workers who need to understand the algorithm on day to day basis of work, this case-by-case model of transparency is structurally inadequate.²⁹

C. Consent and the Power Asymmetry Problem

The GDPR's consent framework, requiring the consents to be 'freely given, specific, informed and unambiguous,' are fundamentally compromised in the gig platform context.³⁰ The absolute contractual positioning of gig workers creates a manufactured consent. A worker who is required to accept the platform's terms or face income insecurity can never be in a position to give free consent³¹ This structural coercion is invisible to the GDPR's formal consent machinery which is just a paper-based theory.³²

IV. THE EU PLATFORM WORK DIRECTIVE 2024: A DOCTRINAL ADVANCE?

The criticism on the GDPR's inadequacy in the context of the platform work has led the European Union to enacted the Directive on Improving the Working Conditions of Platform Workers in October 2024.³³ The directive represents the first dedicated regulatory framework for algorithmic management in the workplace.³⁴

²⁸ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data (General Data Protection Regulation) [2016] OJ L119/1

²⁹ IJLLR, 'Algorithmic Management in Gig Workers: Examining the Risks to Workers' Rights and Accountability' (21 April 2026), available at: <https://www.ijllr.com/post/algorithmic-management-in-gigworkers-examining-the-risks-to-workers-rights-and-accountability-mec> (accessed 28 April 2026)³⁰

³⁰ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data (General Data Protection Regulation) [2016] OJ L119/1

³¹ Meghna Bal, 'India's Gig Workers Need a Labour-Sensitive Data Protection Law' The Leaflet (17 November 2025), available at: <https://theleaflet.in/labour-law/indias-gig-workers-need-a-labour-sensitivedata-protection-law> (accessed 28 April 2026)

³² IJLLR, 'Algorithmic Management in Gig Workers: Examining the Risks to Workers' Rights and Accountability' (21 April 2026), available at: <https://www.ijllr.com/post/algorithmic-management-in-gigworkers-examining-the-risks-to-workers-rights-and-accountability-mec> (accessed 28 April 2026)

³³ Business and Human Rights Resource Centre, 'EU Council Formally Adopts Platform Directive' (22 April 2026), available at: <https://www.business-humanrights.org/en/latest-news/eu-council-adoptsplatform-directive-to-improve-working-conditions-for-platform-gig-economy-workers/> (accessed 28 April 2026)

³⁴ Meghna Bal, 'India's Gig Workers Need a Labour-Sensitive Data Protection Law' The Leaflet (17 November 2025), available at: <https://theleaflet.in/labour-law/indias-gig-workers-need-a-labour-sensitive-data-protection-law> (accessed 28 April 2026)

The Directive's algorithmic management provisions have a significant contribution in this doctrinally analysis. Article 6 requires platforms to inform workers on the first of the working on any use of automated task allocation, automated performance evaluation, or monitoring technologies.³⁵ Article 7 mandates human oversight over key algorithmic decisions, which are automated systems have taken to be verified by qualified staff.³⁶ Workers must be given the right to contest and appeal to the automated decisions that affecting their working conditions. This must be explained by a human contact.³⁷

By the carefully examining the provision it can be concluded that the Directive introduces a presumption of employment status for platform workers. It shifts the burden of classification onto platforms.³⁸ This is has doctrinally significance since the data protection in the the GDPR's employment-related processing provisions (particularly the legitimate interest and contractual necessity bases) are interpreted differently based on the classification of the worker as an employee or an independent contractor. By creating a presumption of employment, the Directive brings platform workers squarely within the protective ambit of the GDPR's employment processing rules.³⁹

The limitation in case of Directive applies only to 'digital labour platforms' as defined by Article 2, and may exclude certain hybrid platform models.⁴⁰ The requirement of 'human oversight' has no specification about the quality or independence of oversight. This leaves a to the problem of rubber-stamp identified in the GDPR context.⁴¹ The Directive's till it get

³⁵ Arthur Cox LLP, 'A Deep Dive into the EU Platform Work Directive' (16 February 2026), available at: <https://www.arthurcox.com/knowledge/a-deep-dive-into-the-eu-platform-work-directive/> (accessed 28 April 2026)

³⁶ Arthur Cox LLP, 'A Deep Dive into the EU Platform Work Directive' (16 February 2026), available at: <https://www.arthurcox.com/knowledge/a-deep-dive-into-the-eu-platform-work-directive/> (accessed 28 April 2026)

³⁷ Arthur Cox LLP, 'A Deep Dive into the EU Platform Work Directive' (16 February 2026), available at: <https://www.arthurcox.com/knowledge/a-deep-dive-into-the-eu-platform-work-directive/> (accessed 28 April 2026)

³⁸ European Trade Union Confederation, 'Platform Work Directive: A Milestone Towards Innovation' (March 2024), available at: <https://www.etuc.org/sites/default/files/publication/file/2024-03/Platform%20Work%20Directive,%20a%20milestone%20towards%20innovation.pdf> (accessed 28 April 2026)

³⁹ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data (General Data Protection Regulation) [2016] OJ L119/1

⁴⁰ Vidhi Centre for Legal Policy, 'A Model Law for Platform Based Gig Workers' (21 May 2024), available at: <https://vidhilegalpolicy.in/research/a-model-law-for-platform-based-gig-workers/> (accessed 28 April 2026)

⁴¹ Worker Info Exchange (as reported), 'Gig Economy Algorithmic Management Tools: Unfair and Opaque' Computer Weekly (14 December 2021), available at: <https://www.computerweekly.com/news/252511001/Gig-economy-algorithmic-management-tools-unfair-and-opaque> (accessed 28 April 2026)

implemented keeps the prospective protections for millions of workers vulnerable and continue to be governed by the pre-Directive legal vacuum.⁴²

V. THE INDIAN FRAMEWORK: DPDPA 2023 AND THE ALGORITHMIC GAP

India's Digital Personal Data Protection Act 2023 (DPDPA) represents a landmark regulatory evolution in the country against the digital protection. It got enacted in August 2023 and introduces a comprehensive framework for the processing of personal data.⁴³ When examined critically for the specific needs of gig workers facing algorithmic management, the DPDPA reveals significant doctrinal gaps.⁴⁴

The DPDPA is built on a consent-based model which requires a 'free, specific, informed, and unambiguous' consent for data processing.⁴⁵ In comparison to the EU context, consent in the gig platform relationship is structurally coerced. The workers who decline to provide the consent for data processing cannot access the platform and therefore cannot work.⁴⁶ The Act's consent architecture is a power asymmetry.⁴⁷

The DPDPA contains no provision equivalent to Article 22 of the GDPR.⁴⁸ There is no right which is subjected to automated decision-making, no right to human intervention in algorithmic decisions, and no right to an explanation of automated deactivations or performance evaluations.⁴⁹ This absence is impacting at large to India's gig workforce and making them vulnerable to exposure to algorithmic.⁵⁰

⁴² Business and Human Rights Resource Centre, 'EU Council Formally Adopts Platform Directive' (22 April 2026), available at: <https://www.business-humanrights.org/en/latest-news/eu-council-adoptsplatform-directive-to-improve-working-conditions-for-platform-gig-economy-workers/> (accessed 28 April 2026)

⁴³ The Digital Personal Data Protection Act 2023 (India), No. 22 of 2023, available at: <https://law.asia/gigeconomy-data-protection-india/> (accessed 28 April 2026)

⁴⁴ Meghna Bal, 'India's Gig Workers Need a Labour-Sensitive Data Protection Law' The Leaflet (17 November 2025), available at: <https://theleaflet.in/labour-law/indias-gig-workers-need-a-labour-sensitivedata-protection-law> (accessed 28 April 2026)

⁴⁵ The Digital Personal Data Protection Act 2023 (India), No. 22 of 2023, available at: <https://law.asia/gigeconomy-data-protection-india/> (accessed 28 April 2026)

⁴⁶ Meghna Bal, 'India's Gig Workers Need a Labour-Sensitive Data Protection Law' The Leaflet (17 November 2025), available at: <https://theleaflet.in/labour-law/indias-gig-workers-need-a-labour-sensitivedata-protection-law> (accessed 28 April 2026)

⁴⁷ K S Anand & K (n 10)

⁴⁸ Meghna Bal, 'India's Gig Workers Need a Labour-Sensitive Data Protection Law' The Leaflet (17 November 2025), available at: <https://theleaflet.in/labour-law/indias-gig-workers-need-a-labour-sensitive-data-protection-law> (accessed 28 April 2026)

⁴⁹ ILLR, 'Algorithmic Management in Gig Workers: Examining the Risks to Workers' Rights and Accountability' (21 April 2026), available at: <https://www.ijllr.com/post/algorithmic-management-in-gigworkers-examining-the-risks-to-workers-rights-and-accountability-mec> (accessed 28 April 2026)

⁵⁰ MediaNama, 'Algorithms Decide How Gig Workers Work in India, New Study Finds' (23 December

The DPDPA also permits data processing without consent for 'reasonable purposes' under Section 7. The provision is broad enough to allow platform companies to process personal information about gig workers under the guise of assessing their performance.⁵¹ This provides a significant doctrinal loophole which platforms may exploit to circumvent and avoid applicable consent requirements.⁵²

A. The Code on Social Security 2020: A Partial Step

The Code on Social Security 2020 (CSS 2020) has taken a step forward by formally defining gig workers and platform-based workers in Indian law for the first time.⁵³ However, there exists a significant gap remains. The the CSS 2020 does not address collective bargaining, job security, fixed working hours, or on the algorithmic transparency.⁵⁴ In current situation no Indian statute directly regulates artificial intelligence in the workplace, leaving gig workers vulnerable and without any remedy for algorithm-driven harms.⁵⁵

B. State-Level Initiatives: The Telangana Model

It is already an established fact that the doctrinally progressive response to the algorithmic control problem in India may not always depend on the Parliament however can be state subjective also. In this case response is from the State of Telangana.⁵⁶ The proposed Telangana Gig and Platform Workers (Registration, Social Security and Welfare) Bill 2025 mandates transparency in algorithmic management, compelling algorithmic disclosure in task allocation, bonuses, and ratings.⁵⁷ It prohibits arbitrary termination, requiring a seven-day notice period

2025), available at: <https://www.medianama.com/2025/12/223-algorithms-gig-workers-india-new-study/> (accessed 28 April 2026)

⁵¹ CEUR-WS, 'Bridging Law and Code in Algorithmic Management' (2024) Vol-4074, available at: <https://ceur-ws.org/Vol-4074/paper2-1.pdf> (accessed 28 April 2026)

⁵² K S Anand & K (n 10)

⁵³ Ankit Kapoor and Karthik Rai, 'Gig Economy: A Tale of Algorithmic Control and Privacy Invasion' (2023) National Law School of India Review, NLSIR, available at: <https://www.nlsir.com/post/gigeconomy-a-tale-of-algorithmic-control-and-privacy-invasion> (accessed 28 April 2026)

⁵⁴ Ankit Kapoor and Karthik Rai, 'Gig Economy: A Tale of Algorithmic Control and Privacy Invasion' (2023) National Law School of India Review, NLSIR, available at: <https://www.nlsir.com/post/gigeconomy-a-tale-of-algorithmic-control-and-privacy-invasion> (accessed 28 April 2026)

⁵⁵ Ankit Kapoor and Karthik Rai, 'Gig Economy: A Tale of Algorithmic Control and Privacy Invasion' (2023) National Law School of India Review, NLSIR, available at: <https://www.nlsir.com/post/gigeconomy-a-tale-of-algorithmic-control-and-privacy-invasion> (accessed 28 April 2026)

⁵⁶ Meghna Bal, 'India's Gig Workers Need a Labour-Sensitive Data Protection Law' The Leaflet (17 November 2025), available at: <https://theleaflet.in/labour-law/indias-gig-workers-need-a-labour-sensitivedata-protection-law> (accessed 28 April 2026)

⁵⁷ Meghna Bal, 'India's Gig Workers Need a Labour-Sensitive Data Protection Law' The Leaflet (17 November 2025), available at: <https://theleaflet.in/labour-law/indias-gig-workers-need-a-labour-sensitivedata-protection-law> (accessed 28 April 2026)

before deactivation except in safety-related cases.⁵⁸

The Telangana Bill is expected to become India's most comprehensive legislative measure for gig worker protection which may surpass similar initiatives taken by Karnataka, Jharkhand, and Rajasthan.⁵⁹ Its doctrinal significance lies in its recognition of contemporary Labour protection also requires the regulation of technology. This is the core principle of the DPDPA, as a general data protection statute. However, it has conspicuously failed to embody.⁶⁰

VI. THE ILO CODE OF PRACTICE 1997: AN OVERLOOKED RESOURCE

The International Labour Organization's Code of Practice on Workers' Personal Data (1997) remains a foundational normative document for algorithmic management debates. Though it has been established before the pre-digital origins, the normative directions establishes that workers' personal data should be collected and used only for purposes directly related to the employment relationship. It is also established that the data should not be used to undermine workers' collective rights.⁶¹

The EU Platform Work Directive 2024 has inherited several ILO Code's principles and has rejected the idea of automated decisions, opaque algorithmic evaluations to dictate workers' livelihoods. India, however, has not incorporated the ILO Code's principles into its domestic data protection framework, which suggest that doctrinal omission has left Indian gig workers below the international normative floor.⁶²

VII. FOUR DOCTRINAL FAULT LINES

The entire analysis reveals four structural fault lines with respect of the existing data protection

⁵⁸ Meghna Bal, 'India's Gig Workers Need a Labour-Sensitive Data Protection Law' The Leaflet (17 November 2025), available at: <https://theleaflet.in/labour-law/indias-gig-workers-need-a-labour-sensitivedata-protection-law> (accessed 28 April 2026)

⁵⁹ Meghna Bal, 'India's Gig Workers Need a Labour-Sensitive Data Protection Law' The Leaflet (17 November 2025), available at: <https://theleaflet.in/labour-law/indias-gig-workers-need-a-labour-sensitivedata-protection-law> (accessed 28 April 2026)

⁶⁰ Meghna Bal, 'India's Gig Workers Need a Labour-Sensitive Data Protection Law' The Leaflet (17 November 2025), available at: <https://theleaflet.in/labour-law/indias-gig-workers-need-a-labour-sensitivedata-protection-law> (accessed 28 April 2026)

⁶¹ Meghna Bal, 'India's Gig Workers Need a Labour-Sensitive Data Protection Law' The Leaflet (17 November 2025), available at: <https://theleaflet.in/labour-law/indias-gig-workers-need-a-labour-sensitivedata-protection-law> (accessed 28 April 2026)

⁶² Meghna Bal, 'India's Gig Workers Need a Labour-Sensitive Data Protection Law' The Leaflet (17 November 2025), available at: <https://theleaflet.in/labour-law/indias-gig-workers-need-a-labour-sensitivedata-protection-law> (accessed 28 April 2026)

frameworks on algorithmic control in the gig economy.

1. The Consent Deficit: “Consent frameworks assume a bilateral relationship between a relatively equal data subject and data controller.” In the gig economy, the consent is structurally coerced by economic dependence. The law's formal consent machinery cannot fix this problem which is rooted in power asymmetry.⁶³

2. Opacity of Automated Decisions: Platforms are not required to proactively disclose their algorithm's function, data inputs or the reason for the particular decision. The worker who is deactivated has nothing beyond the notification.⁶⁴

3. The Misclassification Trap: The classification of gig workers as 'independent contractors' rather than employees affects the data processing and the protections available to them legally. Misclassification is not merely a labour law problem but has now become consequence of the void in data protection.⁶⁵

4. Absence of Meaningful Redress: Data protection regulators are slow to act against platform algorithmic management. Workers are denied access to their personal data face expensive, complex litigation against well-resourced platforms.

VIII. TOWARDS A LABOUR-SENSITIVE DATA PROTECTION FRAMEWORK

A doctrinal solution to the algorithmic control problem does not lie in the abandonment of existing data protection frameworks however in purposive reinterpretation as targeted reform.⁶⁶ The following principles emerge from the analysis of this article.

(i) Algorithmic Transparency as a Positive Obligation: Data protection law should impose a proactive duty on platforms to disclose the logic, criteria of the algorithmic management systems to worker as mandatory provision. It should not only depend upon individual request after a decision to do so.

⁶³ Lilian Edwards, The Role of Data Protection Law in the Gig Economy, in Data Protection and Privacy: Data Protection and Democracy 127, 134 (Dara Hallinan et al. eds., 2020).

⁶⁴ Lilian Edwards, The Role of Data Protection Law in the Gig Economy, in Data Protection and Privacy: Data Protection and Democracy 127, 137 (Dara Hallinan et al. eds., 2020).

⁶⁵ Lilian Edwards, The Role of Data Protection Law in the Gig Economy, in Data Protection and Privacy: Data Protection and Democracy 127, 137 (Dara Hallinan et al. eds., 2020).

(ii) Prohibition on Solely Automated High-Stakes Decisions: Article 22 GDPR should explicitly prohibit automated deactivation, suspension, or reduce the earnings without meaningful human.

(iii) Labour-Sensitive Consent: Consent obtained on the basis of the pre-conditions of economic dependence, should be presumed invalid on legal basis for data processing. Legitimate new statutory specifically designed for the platform employment relationship should replace the consent as the operative legal foundation.

(iv) Collective Data Rights: Individual data rights are insufficient against platforms which process data at scale. Workers' collective organizations, unions, worker associations should be party to seek information and to challenge algorithmic systems on behalf of their members.

(v) Algorithmic Impact Assessments: Platforms deploying algorithmic management systems which impacts the workers should be mandated to conduct and publish worker-specific data protection impact assessments (DPIAs) before their production deployment with respect to the risks to dignity, equality, and livelihood.

IX. CONCLUSION

The delivery rider checking his or her phone at a red light, waiting to see on the next order allocation of the algorithm deciding that he or she is no longer needed is core subject to the concerns raised against the data protection law.

This article doctrinally argued and concluded, that the existing data protection frameworks like GDPR, India's DPDPA, and EU Platform Work Directive has structural inadequacies in algorithmic control in the gig economy. The deficiency in consent, opacity of automated decisions, misclassification, and absence of meaningful dispute resolution system collectively concludes that vulnerability digital workers.

The Telangana model, the EU Platform Work Directive, and the ILO Code suggests collectively on the requirement of a Labour-sensitive, rights-based architecture for data governance in the platform economy. The real question is on this doctrinal analysis is on the legal response to keep pace with the algorithmic revolution.

Data protection law must look beyond the consent framework. One must ensure to look workers data beyond the data subject however with a human angle who is at the work. Post this assumption only the gig worker and visible in the in the digital economy.

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