

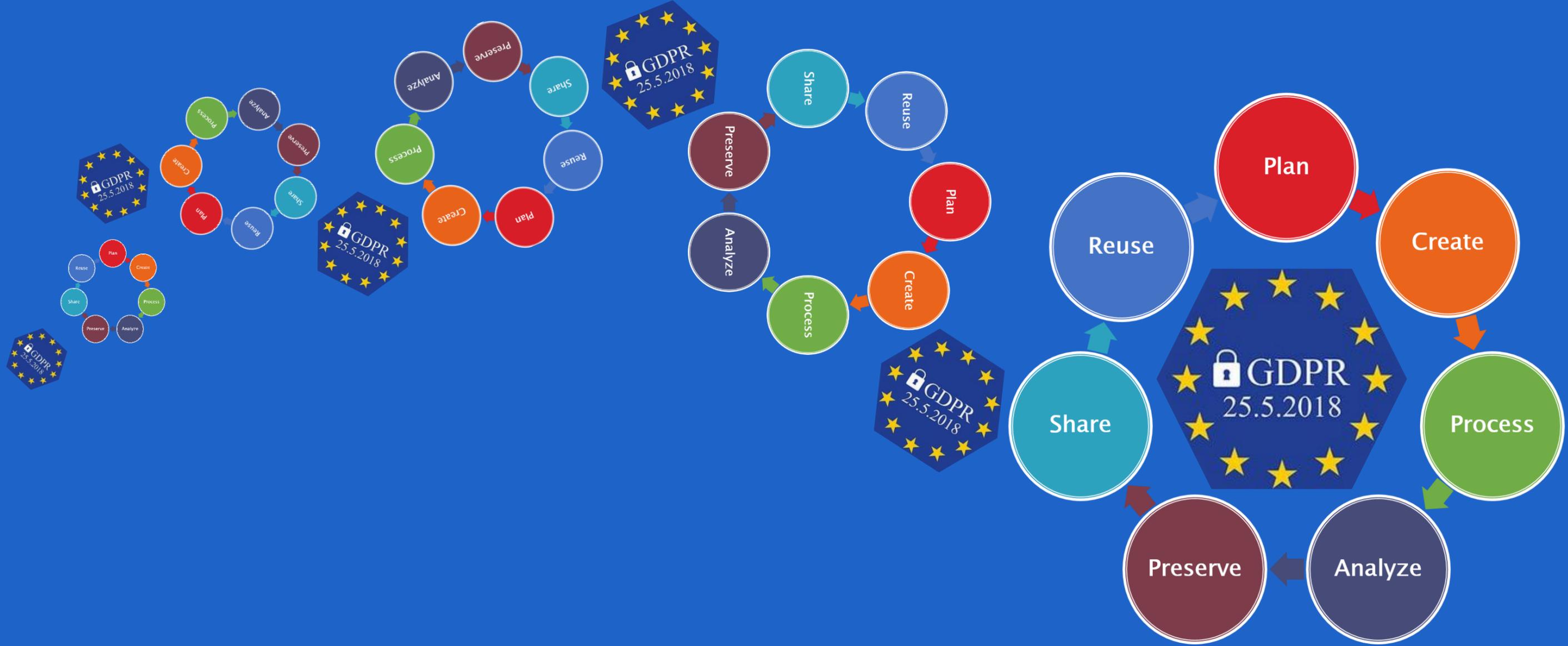


**GHENT
UNIVERSITY**

[DISCLAIMER](#)

The information provided in this presentation is based on a **current interpretation of the GDPR**, check the research tips and website for **updates**

This presentation **should not be seen as legal advice**



SSHT! GDPR, ETHICS AND MY RESEARCH

CONTENT

What is the GDPR?

What does the GDPR mean for research?





WHAT IS THE GDPR?

GDPR

General Data Protection Regulation?

- Came into force on May 25th 2018
- 'New' EU-wide data protection regulation
- The general principles remain the same!
- Goal= modernising and harmonization of European data protection rules

Who needs to comply?

- A UGent-researcher **based within the EU**
who processes **personal data of natural persons,**
from any other country worldwide
- A UGent-researcher who is based **outside the EU**
but processes data of natural persons in the EU



GDPR

When do you need to comply?

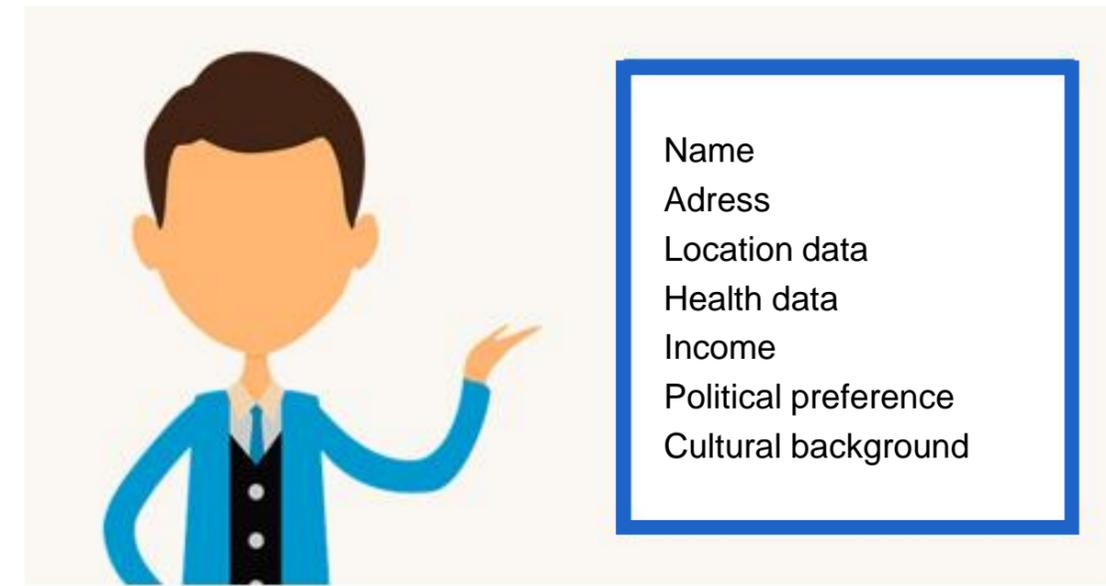
- When you are **processing personal data** within your **research**
- Processing means **any operation or set of operations** which is performed **on personal data or on sets of personal data**, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction



(PERSONAL) DATA

Personal data

- Data about **natural living persons** from which they can be **directly or indirectly identified** (e.g. name, identification number, location data, online identifier, factors specific to the physical, psychological, genetic, mental, economic, cultural, social,... identity of a natural person)
- **(combinations of) indirect identifiers** can also lead to identification and are therefore also personal data (e.g. survey data, demographic data, matching of different data bases, ...)



(PERSONAL) DATA

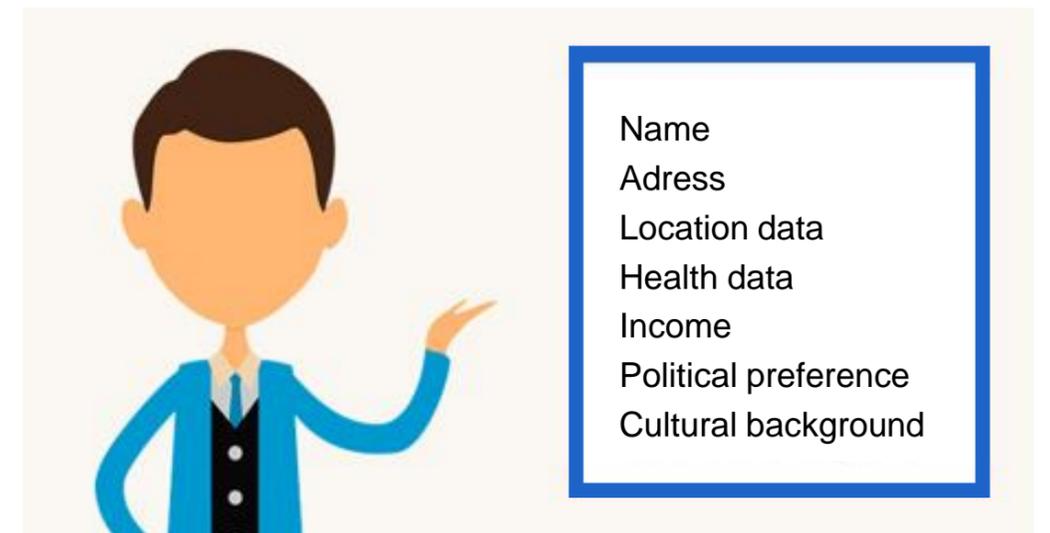
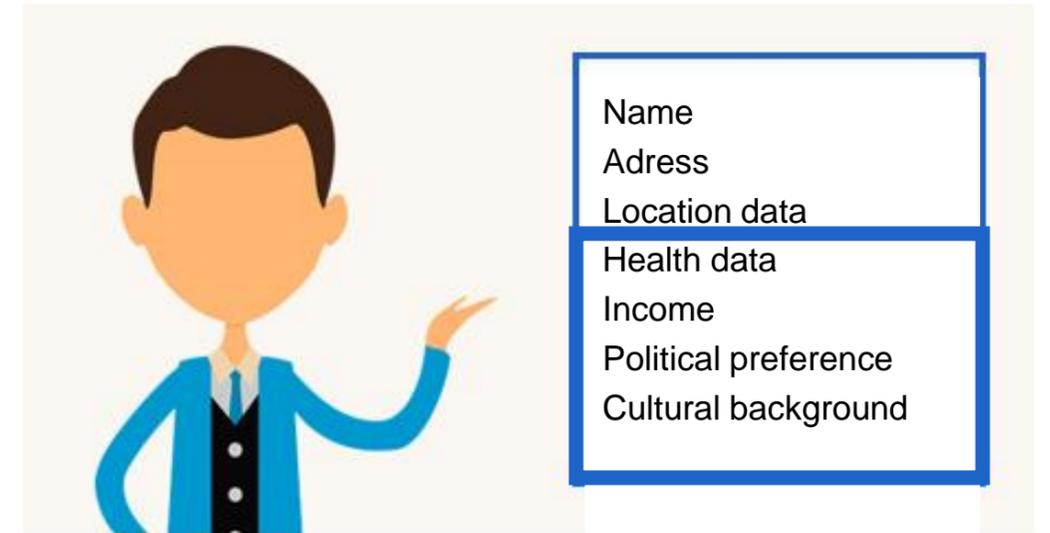
Special categories of data (sensitive data)

→ Racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data, health data, data on sex life or sexual orientation

! Confidential data

→ All data, **personal data or other data** that is seen as confidential in a certain context or for specific reasons

E.g. financial data of a company are not personal data, but might be confidential data



(PERSONAL) DATA

Pseudonymized data

- Personal data (sensitive or not) that can only be **associated** with an identified or identifiable person by means of a **non-public (secret) key**
- Data subject is **only identifiable** with the use of **additional information/identifiers** that is/are kept separately
- Pseudonymized data are still **personal data**
(even if the identifiers are held by another organization!)
- Pseudonymized data = **GDPR!**



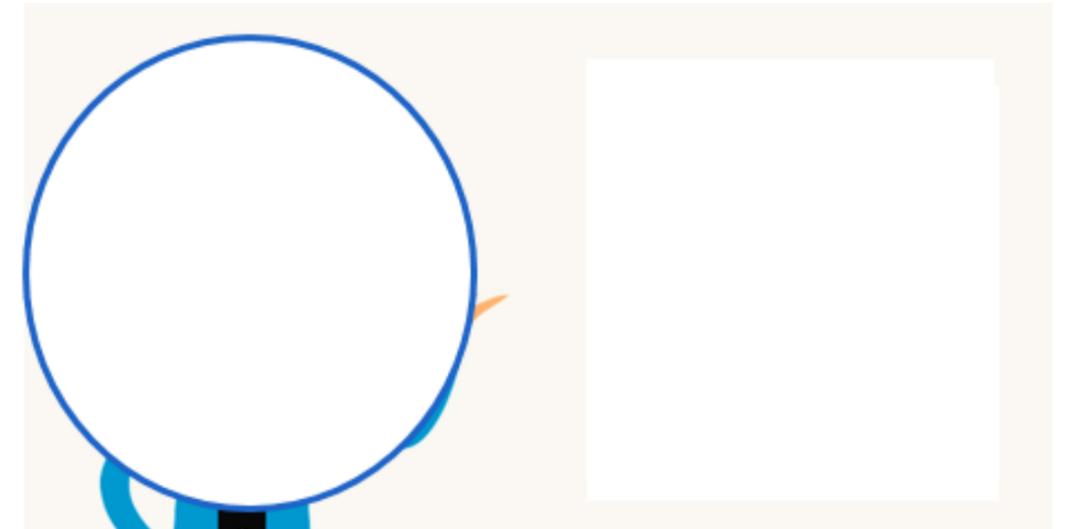
(PERSONAL) DATA

Anonymous data

- Do not relate to an **identified or identifiable** natural person
- Data subject is **not identifiable**
(by no person in any reasonable way)

Anonymized data

- Personal data (pseudonymized or non-pseudonymized)
that are made anonymous
- Do no longer relate to an **identified or identifiable** natural person
(by no person in any reasonable way)
- Anonymized data **≠ GDPR**
- The handling (the **anonymization**) = **GDPR!**



IS YOUR DATA (COLLECTED) LEGITIMATE AND LAWFUL? (1)

According to the basic principles of the GDPR

Legitimate, lawful data also means defining a legal ground as a condition

What?

- One legal ground per processing/purpose
- Must be valid before the processing personal data
- **6 LIMITED possible legal grounds** for processing personal data
(primary AND secondary use of personal data)



IS YOUR DATA (COLLECTED) LEGITIMATE AND LAWFUL? (2)

Which possible legal grounds?

- **Consent: the data subject(s)** has given clear consent for you to process their personal data for a specific purpose
- **Public task:** the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.
- **Legitimate interests:** the processing is necessary for your legitimate interests or the legitimate interests of a third party, unless there is a good reason to protect the individual's personal data which overrides those legitimate interests. (This cannot apply if you are a public authority processing data to perform your official tasks.)
- *Contract: the processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract.*
- *Legal obligation(s): the processing is necessary for you of Ghent University to comply with the law (not including contractual obligations).*
- *Vital interests: the processing is necessary to protect someone's life.*

LEGITIMATE, LAWFUL AND TRANSPARANT

What about the data subjects?

Data subjects = natural persons whose personal data you are collecting / processing

GDPR principle of transparency: obligation to **inform** data subjects

- in a concise, **transparent**, intelligible and **easily** accessible form, using **clear** and plain language
- Information should be adjusted to the data subjects & research participants (i.e. children)
- Whatever the legal ground is!
- For primary & secondary use of personal data!

Similar to the ethical information obligation, but different and more strict under the GDPR



WHY YOU NEED TO INFORM THE DATA SUBJECTS: THEY HAVE RIGHTS!

Data subjects have the right:

- to be **informed** about which, how, why and when their personal data is processed
- of **access** to their personal data
- to **erasure** (the 'right to be forgotten')
- ...

! Verify the legal ground to see which rights can be exercised

! Inform data subjects about their rights and how they can exercise them

<u>SHORT OVERVIEW</u>	Right to erasure	Right to portability	Right to object
Consent	✓	✓	✗ but right to withdraw consent
Contract	✓	✓	✗
Legal obligation	✗	✗	✗
Vital interests	✓	✗	✗
Public task	✗	✗	✓
Legitimate interests	✓	✗	✓

SHORT OVERVIEW

**Determine if you are processing personal data
(and/of special categories of personal data)**

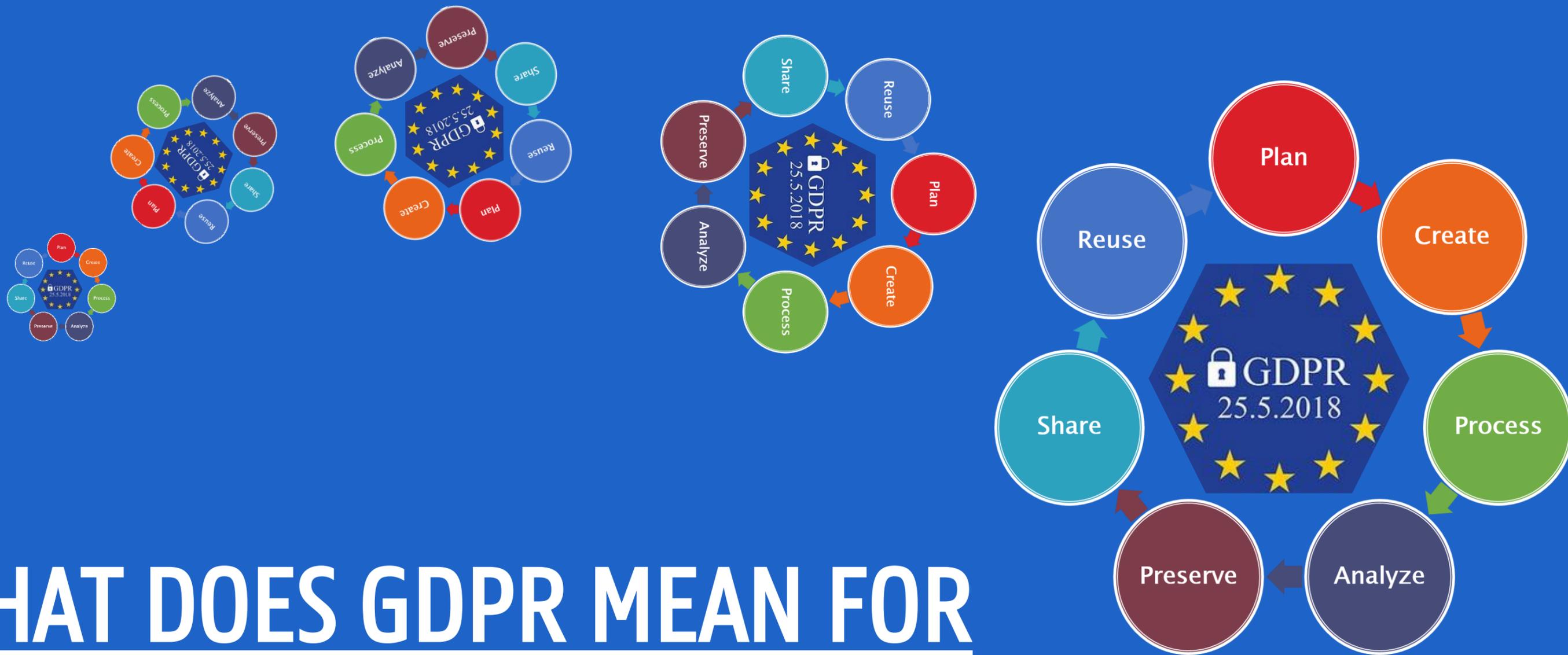
Apply the correct method to process your personal data

Check the basic principles for processing personal data (research tips!)

Determine the legitimate legal ground

Inform your data subjects about the processing and their rights





WHAT DOES GDPR MEAN FOR YOUR RESEARCH?

GDPR IN THE RESEARCH LIFE CYCLE

PLANNING Research proposal preparation/ drafting	DATA COLLECTION	DATA STRUCTURING AND ANALYSIS	PUBLICATION AND ARCHIVING
<ul style="list-style-type: none"> ✓ Data ✓ Lawfulness ✓ Collaboration & partners ✓ Responsibility ✓ Data transfers ✓ If necessary: processor agreements and/ or agreements for data transfer ✓ Data Protection Impact Assessment (DPIA) ✓ Research Data Management ✓ If necessary: ethical clearance 	Transparency <ul style="list-style-type: none"> ✓ Primary vs. secondary use of data ✓ Data subject rights & exceptions 	<ul style="list-style-type: none"> ✓ Data protection ✓ Data breaches 	<ul style="list-style-type: none"> ✓ Retention of personal data for research ✓ Reuse of personal data ✓ Publishing personal data ✓ Sharing personal data
<ul style="list-style-type: none"> ✓ Register your processing activity (dmponline.be) 	<ul style="list-style-type: none"> ✓ Update the register if necessary 	<ul style="list-style-type: none"> ✓ Update the register if necessary 	<ul style="list-style-type: none"> ✓ Update the register if necessary

HELP?

(Re)search tips

<https://onderzoektips.ugent.be/en/>

RDM website

[https://www.ugent.be/en/research/
datamanagement/privacy.htm](https://www.ugent.be/en/research/datamanagement/privacy.htm)

Privacy@UGent.be



Questions?

Hanne Elsen

Expert gegevensbescherming en informatieveiligheid

Data Protection Officer UGent

Administrative affairs

privacy@ugent.be