



# Research data and the Data Protection Act

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**INSPIRING  
PEOPLE**



## Data Protection Principles

Data must be:

1. fairly and lawfully processed;
2. processed for limited purposes;
3. adequate, relevant and not excessive;
4. accurate;
5. not kept for longer than is necessary;
6. processed in line with your rights;
7. secure; and,
8. not transferred outwith EEA.

## Personal Data

**Personal data** means data which relate to a living individual who can be identified –

- (a) from those data, or
- (b) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller,

and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual.

## Sensitive personal data

Information relating to:

- racial or ethnic origin of a data subject
- political opinions
- religious beliefs
- trade union membership
- sexual life
- physical or mental health or condition
- criminal offences or record.



## What is processing?

- collection, recording, receipt
- storage, backup, filing, retention
- display, scanning, review
- deletion, destruction
- editing, updating, modification
- copy, transmission, transfer, release
- loss, mislaying, misdirection



## When can you process personal data?

PERSONAL DATA	SENSITIVE PERSONAL DATA
Implicit or explicit consent	Explicit consent
Protect vital interests of individual	Protect vital interests of individual
Necessary for performance of contract	Required to comply with employment legislation
Required under legal obligation	In connection with legal proceedings and administration of justice
In order to carry out public functions	Information already made public by individual
In the legitimate interests of data controller	Necessary for medical reasons
	Necessary for ethnic monitoring

## Data controller vs data processor

Data controller: a person [or organisation] who determines the purposes for which and the manner in which any personal data are, or are to be processed

Data processor: any person [or organisation], other than an employee of the data controller, who processes the data on behalf of the data controller

## Research exemption

Sec 33. Research, history, and statistics

- Information processed for research purposes potentially exempt from Principles 2 and 5 and section 7 of the DPA
- Must ensure Principles 1, 6 (right to object), 7 and 8.



## Records management

- PI holds main records management responsibility
  - Includes accuracy, security, completeness of records
  - Roles may be delegated to other researchers and students
- Fit for purpose storage, security, retrieval and destruction
- Access, audit, destruction logs
- Creation of retention schedule
- Records management applies to all research records

**Ensures good ethics and compliance with relevant legislation**

## General Data Protection Regulation

- Single set of rules for all EU nations
- Applies to organisations outside the EU that process personal data of EU citizens
- Data processors responsible for activities
- Data Protection by Design and Data Protection Impact Assessments
- Changes to personal data definitions
- New and expanded rights for individuals
- Mandatory breach notification and increased sanctions



## Further resources

- Your organisation's DP or data management office
- **JISC:** <https://www.jisc.ac.uk/guides/data-protection-and-research-data>
- **ICO guidance:** <http://ico.org.uk>
- **ICO Anonymisation Code of Practice:** <https://ico.org.uk/media/for-organisations/documents/1061/anonymisation-code.pdf>



# Thank you

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