

## Data Protection and Academic Research

### 1. Policy statement

- a) Academic research is central to the to the University's role and function
- b) In some areas of academic research, the University processes the personal data of living individuals and is therefore subject to data protection law, currently the General Data Protection Regulation (GDPR) and the UK Data Protection Act 2018 (DPA 2018).
- c) There are a range of provisions in the General Data Protection Regulation and the UK Data Protection Act 2018 to support academic research
- d) The provisions have to be balanced against the essence of the right to data protection and make suitable and specific measures to safeguard the rights of individuals
- e) When the initial research project is over, consideration must be given to how the data will be retained, re-used or passed to research data repository
- f) Data protection compliance in the management of research data should be understood in context with the overall University of London data protection policy

### 2. Academic research at the University

Academic research is central to the University's role and function. The University of London Strategy has the following objectives under the "Academic Excellence" aim:

- ✓ To provide world-class support to individuals, networks and organisations conducting humanities research, nationally and internationally
- ✓ To produce and provide exemplary research, research training and taught programmes within the humanities

The School of Advanced Study mission statement provides the following objectives:

- ✓ Providing a research base for an international community of scholars
- ✓ Inspiring, developing, and supporting innovative research initiatives and networks

- Enhancing the dissemination of the research of others, and related activities, beyond what they or their institutions could achieve alone
  - Providing specialist research training at master's, doctoral, and postdoctoral levels - locally, nationally, and internationally
  - Adding value to the work of researchers in the humanities and social sciences throughout the UK

### 3. Research Ethics Policy

All academic research projects are subject to the Research Ethics policy, which includes specific directions for projects involving personal data. The Research Ethics policy is enforced by the Research Ethics Committee.

### 4. Data Protection Principles - The context for academic research at the University

Data Protection Principles	The context for academic research at the University
<i>Lawfulness, fairness and transparency</i>	The researcher explains to their interviewees how they processes personal data at the point of collection and for what purposes.
<i>Purpose limitation</i>	The researcher only uses the personal data it has for the purposes it was collected for, unless certain safeguards around re-use apply.
<i>Data Minimisation</i>	The researcher only collects personal data which is relevant to the purposes it is required for, unless certain safeguards around re-use apply.
<i>Accuracy</i>	The researcher ensures that the data is correct, up to date and able to be rectify any mistakes quickly
<i>Storage Limitation</i>	The researcher does not retain personal data for longer than it is needed, unless certain safeguards around long term or permanent storage apply.
<i>Integrity and Confidentiality</i>	The researcher protects their personal data against unauthorised access, loss or destruction by a range of security measures.

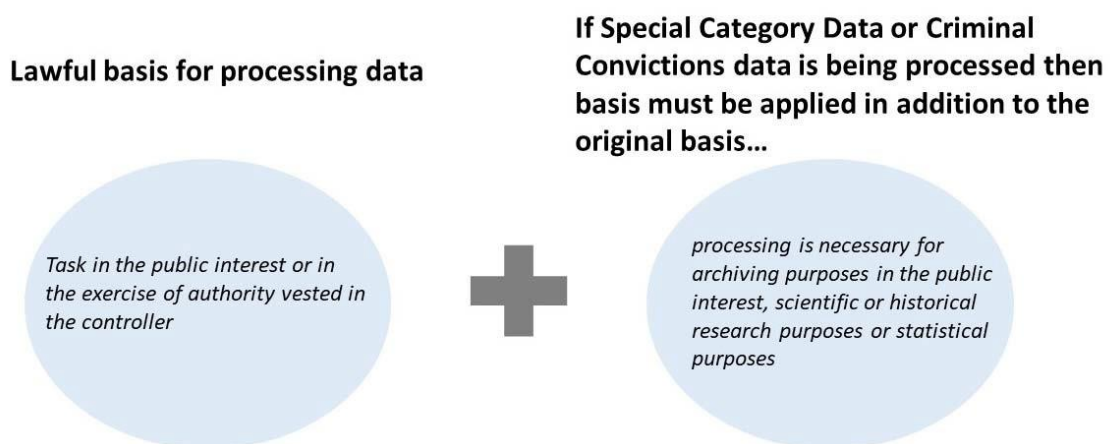
## 5. Legal basis for processing – personal data

The University needs to meet one of the six lawful bases in order to process personal data. The following table highlights the basis the University will be relying on:

Legal Grounds / Lawful Basis for processing data	Context for academic research
Where the data subject has given their consent	GDPR consent is different from ‘consent’ as established in research ethics and is therefore unsuitable as a legal basis for academic research
Where it is necessary for the performance of a contract	Typically the basis of the University processing the employment data of its staff or registry data of its students and therefore unsuitable as a legal basis for academic research, unless individual is being paid to participate
To protect an individual’s vital interests	Usually reserved for medical emergencies or serious welfare or safeguarding issues and not suitable for academic research
For the performance of a legal obligation	Not suitable for academic research
<b>For the performance of a task in the public interest or in the exercise of official authority vested in the controller</b>	<b>This is the University’s chosen legal basis for the processing of personal data in academic research</b>
For the ‘legitimate interests’ of the data controller or another third party, balanced against the rights and freedoms of the individual.	The University can only rely on this grounds for processing where it is not acting wholly as a ‘public authority’ (e.g. non-academic research, commercial activities)

The University recognises that the ‘consent form’ is a long established resource for academic researchers in working with participants and remains a vital part of the University’s procedures for research projects. For GDPR purposes ‘research ethics consent’ does not translate to ‘consent’ as a legal basis for processing personal data.

## 6. Legal basis for processing – special category & criminal convictions data



For special category data, in addition to the original legal basis, the following applies:

Legal basis	Examples for a research context
<i>processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes</i>	Collection of data in an interview; Storage and re-use of data in subsequent publications / Using primary source material or secondary literature such as published books, newspapers and websites where the individual has a well-defined public political affiliation, sexuality or ethnicity

In regards to criminal convictions data, the University is also required to meet a condition from the UK Data Protection Act 2018. In this case, the following applies:

***Schedule 1 Part 1 “Conditions relating to employment, health and research etc”***

***4 Research etc.***

*This condition is met if the processing—*

*(a) is necessary for archiving purposes, scientific or historical research purposes or statistical purposes,*

*(b) is carried out in accordance with Article 89(1) of the GDPR (as supplemented by section 19), and*

*(c) is in the public interest.*

‘In accordance with Article 89’ means that data must be processed with appropriate safeguards and respect for the essence of data protection. ‘In the public interest’ is defined in this case as the formal academic environment and educational mission of University.

## **7. Data Protection by design**

The University is required to ensure privacy is built into its processes and outcomes. New projects involving personal data are required to carry out a privacy impact assessment to identify privacy risks and plan appropriate mitigation. This requirement is met in a research context by:

- ✓ The data management plan – for all projects including those with no personal data
- ✓ Research ethics assessment – for projects with an ethical context, including where the collection of personal data is involved

Where a research project involves a large number of data subjects where there is likely to be a high risk to their rights and freedoms (where automated monitoring/profiling is involved or where biometric or genetic personal data is being processed) then a formal Data Protection Impact Assessment should be carried out with input from the University’s Data Protection Officer.

## **8. Training**

Training, guidance and templates will be produced by the University to assist students and researchers as appropriate in regards to data protection and research.

## **9. Associated policies and procedures**

University of London Data Protection Policy

University of London Information Security & Acceptable Use Policy

Guidance on data protection and research

Code of Good Practice in Research

Open Access Policy

Research Data Management Policy

Research Ethics Policy and Procedures

## 10. Further Information

Any questions relating to this policy should be directed to the Data Protection & Information Compliance Manager at: [data.protection@london.ac.uk](mailto:data.protection@london.ac.uk) or the Head of Management Information and Research Services at: [research@sas.ac.uk](mailto:research@sas.ac.uk)

## 11. Version control

Date	Version	Reason for change	Author
July 2018	0.1	Initial draft updated to comply with General Data Protection Regulation	Data Protection & Information Compliance Manager
February 2019	0.2	Based on feedback from Head of Research Services and Chair of Research Ethics Committee with Initial draft divided into shorter policy and separate guidance document for researchers	Data Protection & Information Compliance Manager
April 2019	0.3	Further discussion and feedback from Head of Research Services and Chair of Research Ethics Committee	Data Protection & Information Compliance Manager
May 2019	1.0	Approved by Research Ethics Committee	Data Protection & Information Compliance Manager