

Research Data & The Data Protection Act

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This morning's objectives

- Purpose of the Data Protection Act
- 8 Data Protection principles
- Identify personal and sensitive personal data
- Processing personal data
- Responsibilities of University staff
- DP, research, and ethics



Data Protection Act 1998

- Ensuring the privacy, accuracy, processing, and security of information about **you**
- Personal data, in **any format or media**, about a **living person** who could be identified from that data
- Most University Staff process personal data for administrative, management and research purposes



8 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
- copying, 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



Exemptions

Number of exemptions including:

- National security
- Crime and taxation
 - - S29 police form
- Required by law or legal proceedings
- Research
 - Information processed for research purposes is potentially exempt from Principles 2 and 5 and section 7 of the DPA



Your responsibilities: data sharing

Data sharing or data transfer agreement

- Enables sharing of personal data outwith the University
 - Particularly relevant for researchers and ethics considerations
- Contract to stipulate exactly how PD will be handled by all parties
- Ensures compliance with Principle 8 and all other DP Principles
- Drafted by DP & FOI Office

Always let our office know if you are planning to share information with other organisations



Your responsibilities: data security

- Appropriate storage
- Authorised access only
- Access only when necessary
- Password-protection
- Encryption of laptops, memory sticks, mobile devices
- Safe destruction of records
- Cloud Storage
- Info Security guidance:
<http://www.gla.ac.uk/confidentialdata>



Your responsibilities: 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
 - Documentation of research process, outcomes, and the management of the research project
 - Raw and analysed data
- Research Data Management team



Records Management & Research Ethics

Appropriate management of research records & data is required to demonstrate and ensure:

- Informed consent has been obtained
- Privacy and confidentiality has been respected
- Information held is accurate, authentic and credible with a verifiable audit trail
- General compliance with information legislation (DPA, FOISA)
- Any data sharing is occurring within the appropriate guidelines and agreements



Consent Forms

Must include:

- Objective of the research
- Who will be processing the data - department or unit
- Any collaborators who will process the data e.g. external funding organisation or other University
- Any likely future re-uses of the information, e.g. comparative research studies over time

Guidance available via the MRC and the DP/FOI Office:

www.gla.ac.uk/services/dpfoioffice/a-ztopics/research



UK Information Commissioner

- The independent regulator for the DPA & UK FOI – **but not FOISA**
- Maintains a public record of all *notifications*
- Undertakes 'assessments' following complaints
- Investigates alleged serious incidents
- Issues formal written guidance
- Prosecutes persons for offences committed under the DP Act



Questions?

FAQs: <http://www.gla.ac.uk/services/dpfoioffice/faqs/>

Staff Guidance:

<http://www.gla.ac.uk/services/dpfoioffice/guidanceforstaff/>

Get in touch: dp@gla.ac.uk or 0141 330 3111

Additional advice and guides can be found on ICO website:

<http://ico.org.uk/>

Short online DP training module via

<http://www.gla.ac.uk/services/dpfoioffice/>