

# Introduction to Personal Data Law for Researchers

DCU Risk & Compliance Office  
October 2015

## Aims of this presentation

- 1) Explain legal definitions
- 2) Cover the 8 general principles
- 3) Researchers & personal data – specific considerations
- 4) Communicate Researchers responsibilities



## Why must we protect Personal Data?

- It's a legal requirement
- It promotes good information handling practices
- Protects your own & DCU's reputation



Individuals own their own personal data, organisations such as DCU (& its staff & students) are custodians of the data.

## Irish Data Protection Legislation

- 1) Data Protection Act 1988
- 2) Data Protection Amendment (Act) 2003
- 3) Other assorted EU & Irish Legislation / Regulations

(1) & (2) are of most relevance to research activities

**\*\*\*New EU DP Regulations in 2016\*\*\***

## Irish Freedom of Information Act

This also applies to DCU records.



## What is Personal Data?

**Personal data** is data relating to a living individual who is or can be identified either from the data or from the data in conjunction with other information that is in, or is likely to come into, the possession of the data controller;  
 e.g. contact details, audio & visual recordings, clinical records, DNA samples etc.



- Definition is deliberately very broad.
- Personal data can be in an automated or manual format & must be stored in a relevant “filing system”.

## **Sensitive Data**

Additional category of data which requires extra protection from misuse or disclosure e.g. patients medical records, religion, political opinions, race, ethnic origin, trade union membership, sexual orientation, criminal records.

## **Data Subject**

Individual who is the subject of the personal data.

## **Data Controller**

Is a person or body who controls the contents & use of personal data e.g. DCU (but responsibility for implementing controls & safeguards extends to students and staff also).

## Personal Data must be:

- 1) Fairly obtained – identify yourself & who you may share the data with – Obtain informed explicit consent.
- 2) Specified & lawful purpose(s) – state purpose the data is required for.
- 3) Cannot be used later for an alternative purpose – can only be used for the stated purpose in 2 above. (exceptions exist)
- 4) Kept safe and secure – restrict access (encryption of data or device, password protect, locked cabinets etc.)

## Cont.....

- 5) Accurate & up to date – periodically review accuracy.
- 6) Adequate, relevant & not excessive – don't ask for data you do not need.
- 7) Not retained for longer than is necessary – retention policy / safe disposal / anonymize data.
- 8) Data Subject's 'Right to Access' – provide copy of the data on request.



## Researchers and personal data – specific considerations

- All 8 principles still apply – especially requirement to state the purpose of collecting the data (informed decision).
- Consider anonymizing the data thereby allowing use of data for purpose(s) other than that for which it was originally collected.
- Limited exemptions apply to data held for research, statistical or scientific purposes provided data subjects are not exposed to harm.
- Personal data should not be transferred / shared outside of the EU.

### Data Protection – Researcher's Responsibilities

- Be aware of any personal data you collect / process in course of your studies or research.
- Ensure you apply the 8 general principles from the outset & throughout course of your research (See DP Helpsheet).
- Plan for appropriate safeguards / disclosures prior to collecting & analysing personal data.
- Data breaches e.g. avoid cc emails, poor disposal routines (files in skips!).

## Further Guidance

- DCU Data Protection Policy
- DCU Data Classification Policy
- DCU Data Handling Guidelines



- Helpful websites



- Irish Data Protection Commissioners Office

- <https://www.dataprotection.ie>

- DCU Data Protection Website

- <http://www.dcu.ie/ocoo/data-protection.shtml>

## Conclusion – What we have covered

- 1) Legal definitions
- 2) The 8 general principles
- 3) Research & personal data – specific considerations
- 4) Researchers responsibilities



# Questions?

