Exercises day 5 (Friday)

Legal basis - General Data Protection Regulation (GDPR)

You must have a valid lawful basis in order to process personal data. Which basis is most appropriate to use will depend on your purpose and relationship with the individual.

Legal basis for processing general categories of personal data can be

- Consent (GDPR article 6 no. 1 a). This is the most common legal basis for processing personal data in research projects.
- Performance of a contract (GDPR article 6 no. 1 c). Can be used in the case of quality assurance or evaluation of health services. For medical or health research you must choose another legal basis.
- A task in the public interest or in the exercise of official authority (GDPR article 6 no .1 e)
- Purposes of legitimate interests (GDPR article 6 no. 1 f)

Special categories of personal data

Personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation are concidered as special categories of personal data .

Legal basis for processing special categories of personal data

- Explicit consent (GDPR article 9 no. 2 a). This is the most common legal basis for processing special categories personal data in research projects.
- Data which are manifestly made public by the data subject (GDPR article 9 no. 2 e)
- Purposes of preventative or occupational medicine (GDPR article 9 no. 2 h). Can be used in the case of quality assurance or evaluation of health services. For medical or health research you must choose another legal basis.
- Archiving purposes in the public interest, scientific or historical research purposes, or statistical purposes (GDPR article 9 no. 2 j).

Processing of personal data
Important points to think about when planning your project:

- Which personal data will be processed?
- Will you be processing special categories of personal data or personal data relating to criminal convictions and offences?
- Will you inform the sample about the processing of their personal data?
- Will you be processing data relating to third persons?

- How can data subjects get access to their personal data or have their personal data corrected or deleted?
- Where will the personal data be processed? (E.g.,Computer belonging to the data controller, Mobile device belonging to the data controller, Physically isolated computer belonging to the data controller, External service or network (data processor), Private device)
- Who will be processing/have access to the collected personal data?
- Which data processor will be processing/have access to the collected personal data?
- Will the collected personal data be transferred/made available to a third country or international organisation outside the EU/EEA?
- Which technical and practical measures will be used to secure the personal data?
- Will you obtain any approvals or permits for the project?
- Will personal data be stored after the end of the project?

After lunch

Try to improve your project by including information from other registries in your own and other countries!
1. Which registries would you use? Explain (why, how, and so on).
2. Would you use data from cohort studies, health surveys, and so on? Explain.
3. Which legal barriers would there be?
4. Which new ethical considerations would occur?
5. How would this affect your data (would you be able to merge datasets, keep level of detail, and so on)?
6. Would this affect your study design?