

GDPR and Ethics protocols for data gathering within the Epistemic Insight Initiative

There are three main points that help to explain the approaches we use for data gathering and processing.

Firstly under GDPR, there are several legal bases for use of data. If an organisation relies on consent as the legal basis for gathering personal data, then they need explicit opt-in consent from the participants/parents. We do not rely on 'consent' as our legal basis for gathering personal data in our survey studies.

There is no rule that says the University has to rely on consent to process personal data for scientific research purposes. Even if the University has a separate ethical or legal obligation to get consent from people participating in your research, this should not be confused with GDPR consent.

<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/consent/what-is-valid-consent/>

As the University performs research as a Public Authority, we rely on 'public task' as our legal basis.

Secondly, GDPR law is concerned about the risk of identification. We can help to reduce and often prevent a risk of identification via the design of the survey, the methods of analysis and reporting.

Thirdly for our interview studies, we ask parents/students to agree to participate before a research interview takes place.

More details and some relevant website addresses are given below.

1. LEGITIMATE USES OF DATA

When we are working with schools, we are often conducting surveys including 'before and after' surveys with large groups. Under GDPR, there are several legal bases for use of data. They are set out on this page

<https://ico.org.uk/your-data-matters/does-an-organisation-need-my-consent/>

If an organisation relies on consent as the legal basis for gathering personal data, then they need explicit opt-in consent from the individuals in question. We do not rely on consent as the legal basis. For our research activities performed in the public interest, including surveys with schools, we rely on 'public task'.

An organisation might use public task if it performs a task in the public interest or for its official functions.

protection-regulation-gdpr/lawful-basis-for-processing/public-task/

When using public task as the legal basis, there is no need to ask for explicit opt-in consent. However, researchers do need to notify people about the research and give parents/participants the opportunity to object. For our survey studies we include an information letter and opt-out form.

2. WHAT PROTOCOLS DO WE USE TO TRY TO REDUCE THE RISK TO PARTICIPANTS

GDPR is concerned about the risk of identification. GDPR identifies data minimisation and pseudonymisation of personal data as a safeguard intended to reduce risks resulting from processing of personal data.

For surveys that we make widely available, such as the surveys we run on our New Generation Teachers website, we aim to ensure data minimisation at the point of data gathering. This includes not asking for any names or identifiers.

GDPR makes a distinction between anonymous information (where consent is not required) and data where identifiers are removed and names are replaced by pseudonyms. For surveys in schools we sometimes include a series of questions to help us to match before and after surveys. We remove any identifiers during the analysis.

GDPR does not apply to anonymous information and personal data that has been anonymised.

Recital 26 explains that:

"...The principles of data protection should therefore not apply to anonymous information, namely information which does not relate to an identified or identifiable natural person or to personal data rendered anonymous in such a manner that the data subject is not or no longer identifiable. This Regulation does not therefore concern the processing of such anonymous information, including for statistical or research purposes."

<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/what-is-personal-data/what-is-personal-data/>

3. Research interview studies

For our research interviews, we require participant/parent agreement. Our approach for research studies in schools is that participants are selected by the teacher with guidance

from the researchers. The guidance asks the teacher to select (for example) a balance of girls and boys. For those selected, an information letter and agreement to participation form goes home so that parent's agreement is received by the teacher before the interview takes place. When the interviews are transcribed, we give each participant a pseudonym.

Please consider that, in relation to GDPR, for research interviews we rely on public task.