

Changes to data protection legislation – implications for your research

Summary of key changes to Ethics Policy and guidance

Introduction

- The General Data Protection Regulation (GDPR) comes into effect across the EU, including the UK, on 25 May 2018.
- The UK Data Protection Bill (in the final stages of approval) does not replace the GDPR but clarifies/adds to some aspects of it as it applies in the UK.
- Both these pieces of legislation form the basis of data protection reform in the UK.
- Many aspects will be familiar – builds on Data Protection Act 1998, not re-inventing it.
- More emphasis on:
 - Transparency
 - Accountability
 - Safeguards
- Researchers already in a good position (ethics review procedures, informed consent procedures & data security already standard practice) but we need to ensure legal aspects are covered.

What do I need to do differently?

- Additional things to inform your participants (in addition to standard ethics requirements - suggested wording for information sheets will be provided by UREC in due course):
 - Legal basis for processing their data – UREC expects all University research to have the legal basis of 'a task in the public interest'. If using sensitive 'Special Category' (sensitive) data, an additional 'condition' is required – UREC expects this to be 'necessary for archiving, research or statistics'.
 - Who the Data Controller is - Usually 'the University of Sheffield'; for collaborative projects there may be an alternate, or joint controllers (need to have formal agreements in place for accountability purposes).
 - Right to complain about handling of personal data – to the University's Data Protection Officer and the Information Commissioner's Office.
 - Detail regarding what will happen to their data - how data will be used at each stage/who will have access/how it will be managed/when it will be destroyed. The University's ethics application form is being amended to ask more specific questions in this area and provide guidance on these.
- Ensure you only collect personal data where absolutely necessary for the research
- Ensure you anonymise/pseudonymise personal data as soon as possible
- Ensure you have rigorous data security procedures in place – refer to the Information Security training provided by CiCS (see MUSE 'All Services' menu).
- Ensure collaboration/data sharing agreements are in place between all parties.

What do I do about on-going studies?

- If data collection is complete: no need to re-contact or re-consent; ensure data are anonymised/pseudonymised where possible; check data security procedures.
- If data collection is not complete: inform participants of additional information (see section above) at next appropriate opportunity – no need to update existing information sheets/consent forms. UREC plans to issue suggested text – if you use this and make no other changes, there will be no need to seek ethics approval for amendments - just inform your Ethics Administrator so a record can be made.

MORE GUIDANCE: <https://sites.google.com/a/sheffield.ac.uk/gdpr/>