

Guidance on the implications of the General Data Protection Regulation (or GDPR) for researchers in psychology

The General Data Protection Regulation (GDPR, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32016R0679>) comes into force across the EU, including the UK, on the 25th May 2018 and will replace the current UK Data Protection Act (1998). The new regulations will have implications for research involving human participants and personal data – researchers will therefore need to take steps to ensure that their research is compliant with these regulations when applying for ethical approval.

The University Research Ethics Committee (UREC) have provided an overview of the implications of GDPR for research involving human participants and personal data, along with guidance on anonymity and confidentiality etc. <https://sites.google.com/a/sheffield.ac.uk/gdpr/> The Healthcare Research Authority (HRA) has also issued guidance for health and care research <https://www.hra.nhs.uk/planning-and-improving-research/policies-standards-legislation/data-protection-and-information-governance/gdpr-guidance/> The purpose of this document, therefore, is to consider the specific implications for researchers in the Department of Psychology and the associated requirements for our ethical review process. It should therefore be read in conjunction with the information provided by the UREC and, where relevant, the HRA.

The main part of the regulations that are relevant to our research pertain to the need to **fully inform participants about how and why their data will be collected and used as part of a research project, and by whom** (this is the principle of transparency). In a sense, we already do this in the information that we provide to participants before they decide whether to take part in a piece of research. However, this must now include:

1. The legal basis for processing their data – All University research should represent ‘a task in the public interest’ and personal data should only be collected if it is necessary to do so.
2. Who the Data Controller is. This is usually ‘the University of Sheffield’. However, for collaborative projects there may be an alternate, or joint controllers.
3. That the participant has the right to complain about handling of personal data – to the University’s Data Protection Officer (currently Anne Cutler <https://www.sheffield.ac.uk/uso/team>) and the Information Commissioner’s Office.
4. Detail regarding what will happen to their data – i.e., how the data will be used at each stage of the research, who will have access, how it will be managed, and when it will be destroyed.

UREC has provided templates for the information sheet and consent form, which can be downloaded from <https://sites.google.com/a/sheffield.ac.uk/gdpr/> Further guidance can be found in the University’s (revised) ethics policy https://cms2.shf.ac.uk/polopoly_fs/1.777027!/file/Ethics-Policy-Vs7.2-Tracked-Changes.pdf.

It is important to note that GDPR also has implications for ongoing research that already has ethical approval. Specifically, any data collected on or after 25th May 2018 needs to comply with the GDPR regulations. Researchers may, therefore, need to provide additional information to participants (including details of who the 'Data Controller' is, what the legal basis is for using their personal data, and details of how they can complain about the use of their data). The UREC has issued some recommended wording that researchers can use to inform the participants of these details (see

<https://sites.google.com/a/sheffield.ac.uk/gdpr/>) either via a specific communication (e.g., letter/email), or by incorporating this into an existing ethically-approved information sheet to be issued to participants. This information does not necessarily have to be provided before the 25th May (the date that the GDPR comes into force) but can be provided at the next appropriate opportunity (e.g. when the researcher next contacts the participant to collect data).

The UREC has agreed that, providing that the only changes made to a study are to provide the recommended text as stated above, then there is no need for the amendments to be ethically reviewed. However, researchers are asked to inform DESC (by email to the Chair, Dr Thomas Webb), of the changes that they are making (e.g., provide a copy of the communication and/or revised information sheet). If more significant changes are required to a project to ensure that GDPR requirements are met (e.g., if participants were not told in enough detail about how their personal data would be used and managed, who will have access to it, when it will be destroyed etc.) then researchers should complete the 'Form for requesting an amendment', which can be downloaded from our webpage <https://www.sheffield.ac.uk/psychology/research/ethics>

Finally, **GDPR also has implications for the use (and re-use) of data that has already been collected.** For example, members of the Department of Psychology hold databases of potential research participants. These participants will have agreed for their information to be held with a view to being invited to take part in research projects, but they may not have received all of the information that is now needed for their data to be held and used under the new GDPR. Where feasible, we recommend that all participants be recontacted, provided with the required information, and asked to consent to their data being held (or indicate that they do not consent to this). DESC recognise, however, that for large databases, this will require a significant investment of time and resources. There is also the question is what to do if participants do not reply. Therefore, where it is not feasible to recontact all participants and removing those who do not reply, we suggest an interim solution of requesting consent to continue to hold data *as and when participants are invited to take part in subsequent projects*. Each communication should also include the option to unsubscribe from subsequent communications.

Thomas Webb, May 2018