

Privacy notice for thesis Instructions

November 2020

Privacy Notice (GDPR, Arts. 12—14)

- A Privacy Notice is needed, when **personal data** is processed
- The contents of a privacy notice are based in Arts. 12—14 of the GDPR and the Finnish Data Protection Act (1050/1080)
 - The data subject (i.e. the research participant) has a right to receive information relating to the processing of their personal data in “a concise, transparent, intelligible and easily accessible form, using clear and plain language”
- The Privacy Notice is attached to the project documentation, provided to the data subjects
- See also the Data Protection Policy of Tampere University <https://www.tuni.fi/en/research/responsible-research> (“Data management and data protection”)

Definitions: Personal data (GDPR, articles 4, 9-10)

- *Personal data* means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;
- *Special categories of data* are 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
 - Also: personal data relating to criminal convictions and offences or related security measures

Examples of indirect identifiers

- IP address
- license plate / registration number,
- employment history details
- sound or video recording
- a rare hobby
- birth date
- favourite team
- profession
- names of siblings,
- blood type
- shoe size
- opinions

Combination of indirect identifiers

- Kalpa-fan working in the University of Oulu
- The most hard-working student in the degree program A
- Female MP from Kuusamo
- Male teacher of a local village school L
- Finnish national-level longjumper's height and weight

→ Any data can constitute personal data

Definitions: processing personal data (GDPR, article 4)

- *Processing* means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as
 - collection,
 - recording,
 - organisation,
 - structuring,
 - storage,
 - adaptation or alteration,
 - retrieval,
 - consultation,
 - use,
 - disclosure by transmission, dissemination or otherwise making available,
 - alignment or combination,
 - restriction, erasure or destruction;

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The numbering of the headings of the following slides matches the order in the template of TAU privacy notice for thesis

<https://www.tuni.fi/research-data-protection>

- You can remove notes and instructions from the final version
- Please be aware that there is no requirement for a specific form under the GDPR; the only requirement is that the information is provided "in a concise, transparent, intelligible and easily accessible form, using clear and plain language"

1. Title of the registry and date

- The title can be the same as the working title of the thesis. If the title of the thesis is very long, the title of the registry can be shorter.
- Privacy notice is updated regularly so add a date.

2. Data controller

- *Controller* means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data;
- Student is the data controller for the personal data they have collected for their thesis, unless agreed otherwise. This means that the student is responsible for the duties set for the data controller in the data protection legislation.
- When thesis is conducted as part of a preplanned university project, it is possible that the university acts as the data controller for the thesis.
 - Please contact the research data services to discuss the matter
- When thesis is conducted on behalf of a company (customer-funded research) or if you are employed by a company, it is possible that the company acts as the data controller.
 - Please contact the research data services to discuss the matter
- Data controllers can be many which results in joint data controllership. This is often the case in national or international consortiums or in co-conducted projects in which the parties decide together the purposes and means of the processing of personal data (e.g. joint Master's thesis of two students)

3. Others who process the personal data

- List all people processing the personal data collected in the project
- Specify the role each has in processing (what they do)
- In case those processing personal data cannot be named, name the research group, department, laboratory or unit who conducts the research
- List also possible subcontractors (e.g. transcription of interviews, entering numerical data into computers)

4. Supervisor or the contact person of the institution

- Write here the contact information of the supervisor or the contact person of the institution

5. Purpose of processing personal data

- The purpose of processing personal data is thesis. If the thesis is evaluated to fill the criteria of scientific criteria, the purpose can be scientific research.
 - Criteria for scientific research include publishing the results and review of the scientific community, autonomy of research and adequate qualification of the author
- Describe the content of the research and what the data are used for. For example, describe the purpose of your thesis and how the personal data will help in answering the research questions.
- Processing means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as *collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction*

6. Lawful basis for processing personal data

- Thesis conducted independently by students the lawful basis is usually *consent* (note, different from consent to participate in a study! See sections 8-9)
 - Sometimes it is advisable to ask for a consent in cases that involve intervening in the physical integrity (smart band, smart ring, physical activity belt)
- If the thesis is evaluated to fill the criteria of scientific criteria (e.g. thesis conducted as part of a preplanned university project, or article-based Master's thesis with an aim of peer-reviewed publication), the lawful basis is in most cases *public interest: scientific or historical research or statistical purposes*
 - Criteria for scientific research include publishing the results and review of the scientific community, autonomy of research and adequate qualification of the author
- In general, one lawful basis is selected for one project. If you need to select several (Public interest AND consent), specify the basis e.g. per data set/source

7. Special categories of data and criminal records (sensitive personal data) art 9

Processing of 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 requires a separate lawful basis:

- a) the data subject has given explicit consent to the processing of those personal data for one or more specified purposes
- e) processing relates to personal data which are manifestly made public by the data subject;
- j) processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes
 - On a condition that the processing shall be proportionate to the aim pursued,
 - respect the essence of the right to data protection and
 - provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject

8. Consent as the lawful basis of processing

In the context of research, the word consent has three distinct meanings:

- a) consent to participate in non-medical research in compliance with ethical standards (see the guidelines provided by the Finnish National Board on Research Integrity TENK)
- b) consent to participate in medical research (Finnish Medical Research Act, 6 §, 9.4.1999/488)
- c) consent as a lawful basis for processing personal data (the EU's General Data Protection Regulation, article 6:1a)

→ An informed consent form signed by research participants does not necessarily mean that consent is the lawful basis for processing their personal data.

- When consent is used as lawful basis, then you must ensure that the provided consent meets the GDPR requirements.
- Relying on consent as a lawful basis for data processing is not without risks, because processing activities must be stopped if consent is withdrawn. In Bachelor's and Master's thesis, however, this is not usually a problem.

9. Requirements for consent

Consent to be valid, it needs to be

- ✓ specified
 - ✓ informed
 - ✓ freely given, and
 - ✓ unambiguous indication of the data subject's wishes.
 - ✓ In addition, when processing special categories of data, you need to be able to demonstrate that a consent has been obtained (e.g. a written consent form).
- Data subjects can give their consent for predefined, specific and lawful purposes.
 - If the purpose of processing personal data changes, you need to ask for a new consent before starting processing.
 - It shall be as easy to withdraw consent as to give it. Withdrawal of consent does not affect the analysis that have already been conducted but prevents any further analysis of the data.

Lähde: <https://tietosuoja.fi/en/consent-of-the-data-subject>

10. Duration of processing

- Duration of the processing needs to be defined, or, if that is not possible, factors affecting the duration thereof.
- Personal data can only be stored in a form which enables the identification of a person no longer than it is necessary to fulfil the purpose of processing
- The duration of processing can be longer than the thesis process, for example if the publishing process is on-going at the time when the thesis is finished.
- If the exact duration cannot be defined, give a factor affecting the duration thereof. Examples:
 - Until the thesis has been accepted, assessed acceptance 12/2023.
 - Until the publications listed in the publication plan of the project have been published.
- If you are planning to use the same data in your next thesis:
 - Processing activities need to be planned already during the earlier thesis and the participants need to be informed about the further processing of their data, or
 - You need to ask for a new consent for a new purpose.

11. Content of research records

- Add a description of the personal data to be processed by categories, e.g.
 - Names
 - Contact information
 - Tax district
 - Work history
 - Family relations
 - Health information
 - Genome information
 - Voice
- If the data is collected by interviewing or questionnaires, describe the main topics or themes of them

12. Sources of personal data

- Describe from which sources data are being gained or collected.
Sources can be e.g.
 - Participant (interviews, essays)
 - Blood sample
 - Register
 - Newspaper articles

13. Data protection principles

- Register needs always to be protected with at least username and password
- For example, if personal data is transferred from person H's computer to person's F computer, data needs to be protected. Please describe:
 - How the data is being protected during transit?
 - How the transferred files are being protected?
 - Other protection measures?
- Rather than transferring the data, a shared storage or virtual desk?
- IT for research: <https://intra.tuni.fi/en/handbook/2677/2731>

Questions?

Please contact: <https://research.tuni.fi/researchdata/>