



INSTITUTIONAL RULES AND POLICIES FOR SHARING AND STORING RESEARCH DATA

MICHAL KOŠČÍK

19. 10. 2017

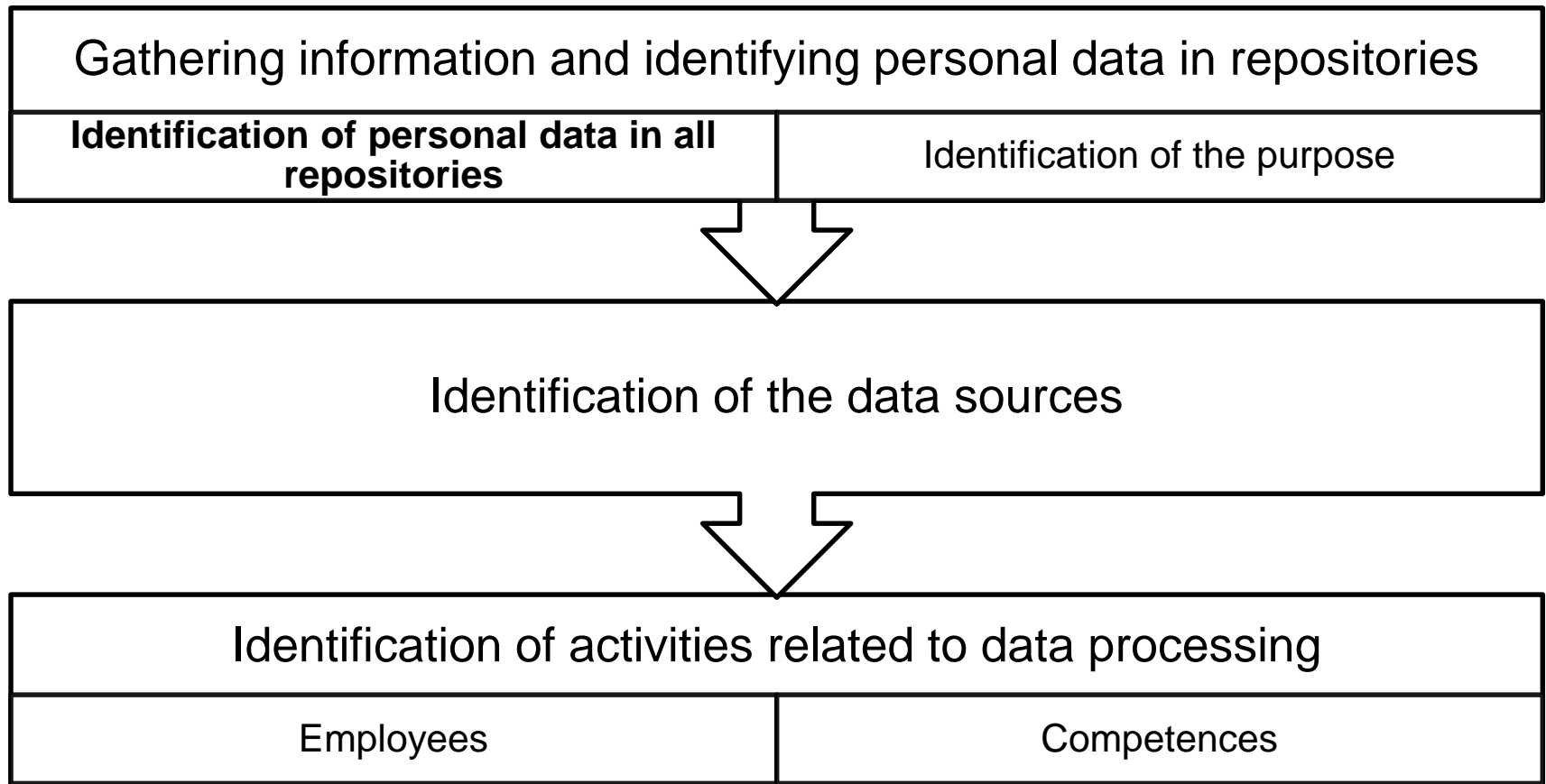
General Data Protection Regulation





OUTLINE

Step 1 - Monitoring



Step 2 Adopting policies and internal rules

- General data protection policy
- Privacy (transparency) policy
- ... ?



STEP 1 - MONITORING



IDENTIFICATION OF PERSONAL DATA IN ALL REPOSITORIES

Identification of personal data

- definition of “personal data” is very extensive and covers any information that can be directly or indirectly related to an individual
- data do not have to be structured, in order to be qualified as personal data
- Any information in any media format including photographs, audio and visual records may meet the definition of personal data
- even pseudonymized information is to be considered a personal information.

Identification of the purpose of processing

- Defined purpose for each set of data is necessary to determine whether the institution does require a consent of a data subject or not.
- The general regulatory principles of purpose limitation, data minimisation or storage limitation are directly related to the purpose of data processing.
- Personal data shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed

Identification of the purpose of processing

- The purpose of data processing is also crucial in:
 - dealing with the requests for erasure of data or
 - right to restriction of processing.
 - that the purpose needs to be determined at the time of the collection of the personal data
 - changing purpose of the data processing after the data have been collected is limited by GDPR and restricted to several exactly defined cases.

Identification of Activities

- Processing of personal data is a daily activity in every public institution or business
- governance of personal data has to be based on the purpose the processed data serve
 - i.e. their value to the organization
- After the personal data have been identified, it is necessary to be attribute each set of records to a certain purpose (or purposes) for which they have been collected and processed.

Identification of the data sources

- Anonymous or pseudonymous?
 - Is anonymity absolute or relative?
 - Case C-582/14: Patrick Breyer v Bundesrepublik Deutschland where CJEU ruled that the possibility to combine the data with this additional data must constitute a means likely reasonably to be used to identify the individual

Adopting policies and internal rules

- General data protection policy addressing privacy by design and default
- Privacy (transparency) policy

Data protection by design and default

- Identify major risks
- Keep records
- Identify organizational units that are required to take measures to protect these rights.

Records

- the name and contact details of the controller
- categories of data subjects and of the categories of personal data;
- the categories of recipients to whom the personal data have been or will be disclosed;
- transfers of personal data to a third country or an international organisation, the envisaged time limits for erasure of the different categories of data;
- description of the technical and organisational security measures

Privacy (transparency) policy

- the contact details of the controller and controller's representative;
- the contact details of the data protection officer
- the purposes of the processing;
- the legitimate interests pursued by the controller or by a third party;
- the period for which the personal data will be stored, or criteria used to determine that period;
- the existence of the right to request from the controller access
- information regarding the existence of the right to

**Podpořeno grantem GAČR:
Právní rámec sběru, zpracování, uchovávání a užívání
výzkumných dat GA15-20763S**

THANK YOU