

## Academic Research Involving Personal Data: Quick Guide

This quick guide provides a condensed update on changes following the introduction of the data protection legislation (The General Data Protection Regulation [GDPR] and the Data Protection Act 2018). It should be read alongside the full 'Academic Research involving personal data' guidance (references in the quick guide are to sections of the full guidance).

- 1. Don't panic:** The Information Commissioner [has been clear](#) that 25 May 2018 (the date that the new legislation came into force) would not be treated as a hard deadline and that compliance would be a 'journey' of improvement.
- 2. Know your exemption:** Most research undertaken at the University will be subject to one of two exemptions to the standard data protection requirements.
  - a. The '*Research Purposes*' exemption provides partial exemption to data protection requirements where complying with these would seriously impair the research, there is no likelihood of substantial damage or distress to the data subject, and appropriate safeguards are in place to protect the personal data (see Section C1).
  - b. The '*Academic Expression*' exemption provides an exemption to most data protection requirements where complying with these would be incompatible with the academic purpose and the research will result in a publication for which there is a reasonable belief that it would be in the public interest (see Section C2).

The '*Academic Expression*' exemption is most likely to apply for projects for which a similar argument on the basis of 'freedom of expression' could be made for the research as for journalistic, literary and/or artistic expression. It is therefore most likely to apply to research concerning those who play a role in public life (see Section C2).

- 3. Academic Expression:** Under the academic expression exemption, you will likely not need to take significant action to comply with data protection legislation. However, you should carefully read Sections C2 and D1 to ensure that the exemption applies and must ensure that you continue to comply with the University's ethical expectations.
- 4. Research Purposes – Legal Basis:** If you are using the research purposes exemption, you will need to know the legal basis on which you are accessing personal data. The legal basis for University research will normally be that it is "necessary for the performance of a task carried out in the public interest". It is important to note that it will **not** normally be consent. Projects using sensitive or 'special category' personal data will require an additional legal basis. For full details see Section D2a.
- 5. Research Purposes – Transparency Information:** Those using the research purposes exemption will also need to provide information to research participants about how their personal data will be used. For details of the information required see Section D2b. If data is collected directly from research participants, this information can be provided as part of a participant information sheet (see Section G). Where personal data has been collected indirectly, this may not be possible, in which case other approaches may be taken (e.g. posting information on a project website).
- 6. Research Purposes – Accurate, Fair and Secure:** The law also requires researchers to take common sense steps to ensure that their use of personal data is accurate, fair and secure. This will include, for example:
  - a. Collecting personal data only if it is genuinely required for research.
  - b. Promptly anonymising or pseudonymising personal data where possible.
  - c. Effectively curating personal data so that it is suitable for research.
  - d. Using appropriate IT, physical and organisational security measures to protect data.

For full details see Sections D2c-e.

- 7. Additional Responsibilities:** Regardless of data protection legislation requirements, researchers must ensure that they remain compliant with the University's expectations for research ethics (see Section E). Researchers must also be aware of their responsibilities under the common law of confidentiality (see Section F).