

General Data Protection Fact Sheet Number 7

Research considerations

When carrying out research involving individuals, you must consider how you will obtain the data you need for your research.

Firstly, you can collect the data directly from the individual, providing them with a privacy / fair processing notice or information sheet, and in most cases by obtaining their informed, explicit, specific and freely given consent (see Fact Sheet 2 for more detail on the requirements for correct consent).

Some NHS studies may be run on the legal basis of the research being in the public interest. This would appear to be because the research / trials cannot be run if any of the participants withdraw their personal data from the study as would be the case if their data was used under the legal basis of consent.

The GDPR does allow that if the personal data can be, or has been, anonymised at (or before) the point where an individual requests that their data should be removed from a research study, it is acceptable to do so and then the anonymised data can continue to be used.

Secondly, it may be possible to 're-use' data for research purposes. The GDPR states that data can only be processed for the purpose for which it was originally collected (Article 5.1.6), but goes on to allow an exemption from this where further processing is for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes (Article 89.1). Processing in these circumstances - where, for example, information about individuals was collected as part of enrolment, but is now being used to investigate the geographical spread of students at the University – can only be carried out though where the processing does not / can not have any effect on the individuals whose data is being re-used. In the example given above, this would mean only using anonymised data about the individual student.

For more information on the implications of the GDPR on research matters, please see the Research Data webpages at <https://library.port.ac.uk/researchdata.html> or the University's Data Protection Officer, Samantha Hill on ext 3642 or information-matters@port.ac.uk.