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Data Management in Social Science Research and GDPR  
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# GDPR and the Research Data - introduction into the topic

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# Personal data protection legislation in CZ



- 🌐 2000 - 2018/2019
  - ▶ CZ data protection act (No. 101/2000 Coll.)
    - EU Data Protection Directive (No. 95/46/EC)
  
- 🌐 24/05/2018 +
  - ▶ EU including CZ:  
General Data Protection Regulation [2016/679](#) (GDPR)
  - ▶ CZ: [Act No. 110/2019 Coll.](#) on Personal Data Processing
  
- 🌐 CZ Office for Personal Data Protection ([UOOU](#))  
national data protection supervisory authority
  
- 🌐 European Data Protection Board ([EDPB](#))  
“contributes to the consistent application”; interpretations and guidelines
  
- 🌐 Other relevant legislation



## GDPR Art. 2 - 4

- ▶ **‘Personal data’** any information relating to an **identified or identifiable natural person** (‘data subject’) (directly or indirectly, e.g., name, ID No., location data, online identifier, one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity...)
- ▶ *(GDPR is not applicable to legal persons, anonymous data, deceased...)*
- ▶ **‘Processing’** means any operation or set of operations which is performed on personal data or on sets of personal data (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)
- ▶ Applies to the **automated processing** (wholly or partly) or the processing which form (or is intended to) part of a **filing system**

# GDPR: revolution or evolution?



- ▶ The regulation => superiority over national legislation
- ▶ Recitals -> explanations -> interpretations
- ▶ The right to the protection of personal data is not an absolute right; it must be considered in relation to its function in society and be **balanced** against other fundamental rights, in accordance with the **principle of proportionality**.
- ▶ Specifications of legitimate interests of a controller
- ▶ Exemptions for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes, e.g., specification of purpose, transferability of purposes, processing of special categories, obligations to provide info...
- ▶ Introduction of pseudonymisation
- ▶ Very complex  
(implementation may be more costly and time consuming)

# Additional national specific legislation



- Since April 2019
- Office for Personal Data Protection - changes in its structure, organisation...
- Specifications/exemptions regarding police, army, intelligence services
- Broad interpretation of the term “journalism”
- Additional legal title for lawful processing: „...may also be processed if it serves appropriately for journalistic purposes or the purposes of academic, artistic or literary expression“ (§17) **-> legitimate interests**
- **Stronger exemptions** from obligations to provide information, from rights to erasure, restriction of right to object (the subject shall indicate the specific reason)... (§18, 20, 22)...
- Further specifications of processing for scientific/historical/statistics (§16) - specification of measures (**best practice**), urgency of **anonymisation** (if the purpose allows)
- Consent from children of **15+** (§7)
- **Consent** given in an accordance with the Act.101/2000 can make a job (§66)

# Social science research and personal data



- The objective (purpose): study of society, generalisation, mass nature - aggregated information
- Source of empirical evidence: collecting, processing and analyzing individual level data
- If personal data, than often of “special categories” (sensitive)
- Organisation of science: exchange of information, dissemination
- International science
- Importance of international comparisons for social sciences
- Quantitative: analysis of anonymous/anonymised/pseudonymised data; however: collection at addresses, indirect identifiers, need of detailed info, combinations of variables, repeated surveys (panel data)...
- Qualitative: content is often difficult/impossible to anonymise
- New types of data (social media, administrative...)
- Data linkage
- Long experience in dealing with personal data; own ethical standards

# Measures at the research organisation



- Lawfull purpose (legal title): e.g., data subject has given consent, legitimate interests
- In line with the principles: (1) lawfulness, fairness and transparency; (2) purpose limitation, (3) data minimization, (4) accuracy, (5) storage limitation, (6) integrity and confidentiality
- Impact assesments, balance tests, auditing of processes
- Descriptions, records
- Legal obligations for all involved in the processing (controller, processors) - subcontracting, cooperation
- Informed consent
- Transparency of processes
- Technical measures and standards, operational standards
- Data Protection Officer, Data Protection Impact Assessment

- CESSDA Data Management Expert Guide (Chpt 5 - Protect)  
<https://www.cessda.eu/DMGuide>
- List of GDPR recitals at the Intersoft Consulting  
<https://gdpr-info.eu/recitals/>
- Metodika aplikace GDPR na výzkumná data v prostředí vysokých škol v ČR (R. Polčák, L. Ševčík, M. Koščík, J. Klodwig, P. Holub), <https://zenodo.org/record/2533865>
- Seminář o GDPR – rok poté. CESNET/Národní technická knihovna, 21/05/2019, <https://www.cesnet.cz/akce/gdpr2019/>