

GDPR compliant research at iSchools in the European Region

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1. What is GDPR, and why has it been established?

The General Data Protection Regulation (GDPR) became effective on 25 May 2018. The deadline is set for 25 May 2020, according to EUR-Lex who is providing the text of the law online in multiple languages. [2] The GDPR was “[...] designed to harmonise data protection law across Europe, and to bring them up to date with technological advancements.” [5]

2. What are potential consequences of the GDPR?

Körner (2018) talks about the business aspect of GDPR when he says:

“[...] GDPR-imposed restrictions on the processing of personal data are not necessarily only a bad thing from a business perspective. As users might become increasingly privacy aware, European companies with a business model focused on trust and data protection could gain a competitive edge with products and services “made in Europe”. Following the principles of “data protection by design and by default” and gaining respective certification they could contribute to setting industry standards and adjust users’ expectations.” [6]

For research, this may have positive effects as well, since GDPR should let research participants feel safer. Körner (2018) argues that GDPR might be rather problematic for Artificial Intelligence (AI) research: “In particular a right to transparency in automated decisions (e.g. regarding online loan-applications) gives AI developers a headache as for machine learning techniques based on deep neural networks, the decisions behind the algorithm are a black box – even to the developers – and are evolving over time.” [6] This is an issue for all kinds of research that involve automated decision-making, and could well apply to information science research. Although this issue can be met: “Automated (AI-based) anonymisation and pseudonymisation of datasets could here help to allow for AI-related research and algorithmic development without breaching privacy rights protected by the regulation.” [6] Körner (2018) also suggests that “[...] GDPR should be seen as an opportunity for European AI researchers and companies to become the frontrunners of explainable AI.” [6]

3. What is the purpose of this white paper?

We will give an overview of how the European iSchools and their universities address the GDPR. We look at whether schools are still in the process of complying with this relatively new law, and what they have done so far. The results come from a survey with six questions to the iSchools that are part of the European region.

The GDPR is complex and allows European countries to specify their own measures regarding data protection. Hence final regulations to some degree depend on local decisions. [7] This white paper is neither legal advice nor a discourse on the law. We take a step toward unfolding how particular schools in Europe cope with the GDPR when it comes to research (as opposed to administrative issues, such as student data). The research question for the survey is:

What steps have European iSchools and their universities taken to implement GDPR compliant research?

This is simple fact-gathering, but the fact of how people respond can tell us something about perceptions of the law and how others might consider approaching the issues.

4. European iSchools Survey

4.1. Sample and Procedure

The Executive Director of the iSchools sent a message to the heads of all European iSchools to ask them to take the survey. Responses were due by the end of 11 November 2019. The survey was active for a while longer in order to increase participation. We conducted our survey anonymously for data protection reasons. A total of nine people completed and submitted their responses. One response is likely a duplicate since the comments at the end of the survey mirrored another and we did not include it in the analysis. This left eight sets of responses.

There were thirty-one iSchools total in the European region as of 23 January 2020. [4] Note that a few of those are not physically in Europe and not all of them belong to the European Union. GDPR is strictly speaking only effective for countries that are part of the European Union as well as the European Economic Area. [3] As of 23 January 2020, there are three iSchools in the European sector for whom the GDPR is not effective¹, because they are neither European Economic Area countries nor part of the EU [1]. GDPR can, however, have effects on countries for whom the law does not directly apply because it applies to all EU citizens regardless of where they are. We included all iSchools in the European region in the survey because of potential effects and actions that the schools take.

4.2. Survey Questions

The questions and answer options we cover in the survey are:

1. Are you still in the process of establishing and changing procedures to comply with GDPR? *[one option possible]*
 - Yes
 - No
 - No answer

2. Which of these steps have you taken to implement GDPR at your school? *[multiple options possible]*
 - Provide model document for records of processing activities
 - Establish a commission that gives approval to collect data
 - Provide a model for the permission request for data subjects
 - Provide a model access policy

¹ Israel, Turkey, and Uganda.

- Provide a policy on data deletion (model time frame)
 - Offer workshops or references to workshops
 - Other
3. To what degree do you believe your researchers are aware of the GDPR? *[one option possible]*
- Mostly aware
 - Partly aware
 - Mostly unaware
 - Hard to say
4. Has GDPR had any negative impact on research at your school? *[one option possible]*
- Yes, because it had a distracting or discouraging effect
 - No, because policies were already compliant
 - No, because the support structure made it easy
 - It has had no obvious impact
 - Hard to say
5. Did you add staff specifically to support GDPR implementation? *[one option possible]*
- Yes
 - None that we know of.
6. Do you have any other comments to share on this topic? *[free text answer]*

4.3. Survey Results

Question 1

Are you still in the process of establishing and changing procedures to comply with GDPR?

| Response options | Responses |
|------------------|-----------|
| Yes | 4 |
| No | 1 |
| No answer | 3 |

Table 1: Are you still in the process of establishing and changing procedures to comply with GDPR?

Table 1 and **Image 1** show the results of the first question. Half of the respondents confirm that they are still in the process of establishing and changing procedures to comply with GDPR. One respondent explicitly says the school is not doing that, and three respondents chose to leave this question unanswered.

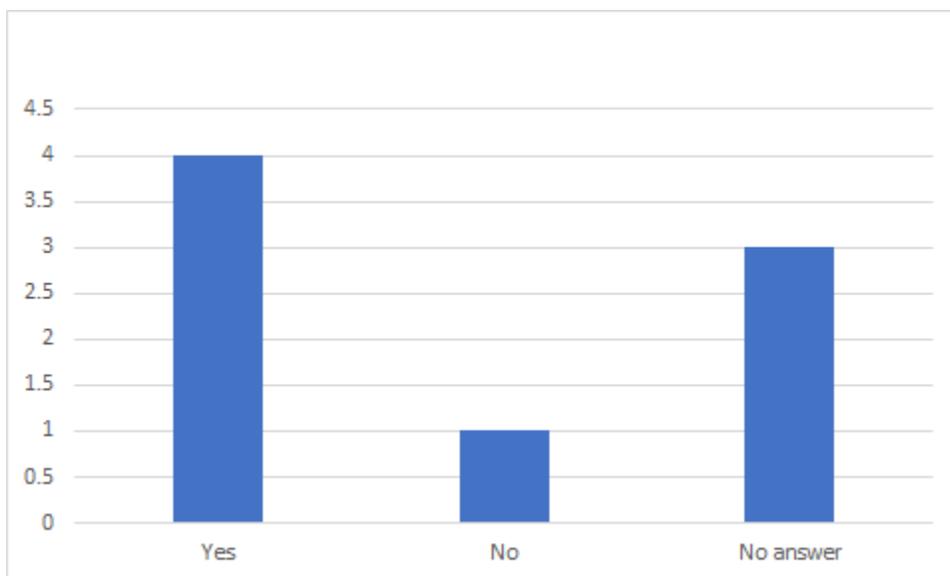


Image 1: Are you still in the process of establishing and changing procedures to comply with GDPR?

Question 2

Which of these steps have you taken to implement GDPR at your school?

| Response options | Responses |
|--|-----------|
| Provide model document for records of processing activities | 3 |
| Establish a commission that gives approval to collect data | 0 |
| Provide a model for the permission request for data subjects | 4 |
| Provide a model access policy | 2 |
| Provide a policy on data deletion (model time frame) | 2 |
| Offer workshops or references to workshops | 3 |
| Other ² | 3 |
| "As far as I know, only the commission was created." | |
| "Assigned data protection officer" | |
| "Compulsory training on GDPR for all staff; inclusion of data processing questions in research ethical monitoring forms; inclusion of data protection and privacy issues in research methods training at all levels in the university" | |

Table 2: Which of these steps have you taken to implement GDPR at your school?

² Although four respondents commented in the "other" section, one comment was "none", and therefore is not being counted.

The second question allowed multiple answers and specifically asks whether the school has taken steps to implement GDPR. The list of options is certainly not exhaustive, but includes aspects that are essential for GDPR compliance. Respondents had the chance to check “other” and elaborate on what steps they implemented, if their actual measures were not reflected in our response options.

Except for one option, all steps are taken by at least one of the eight schools (see **Table 2** and **Image 2**). From the comments in the “other” section, it is unclear whether the commission mentioned in comment 1 is the commission mentioned in the second answer option, which would give approval to collect data. Since the respondent who commented about creating a commission did not check that second answer option, it remains unclear whether both are the same.

Apart from that option, three schools provide a model document for “records of processing activities”, four provide a model for the permission request needed for data subjects, two provide a model access policy, two provide a policy on data deletion (model time frame), three offer workshops or references to workshops, and another three added measures using the “other” option. In addition to the commission, one school says they “[a]ssigned [a] data protection officer”. Another school implemented multiple measures: “Compulsory training on GDPR for all staff; inclusion of data processing questions in research ethical monitoring forms; inclusion of data protection and privacy issues in research methods training at all levels in the university”.

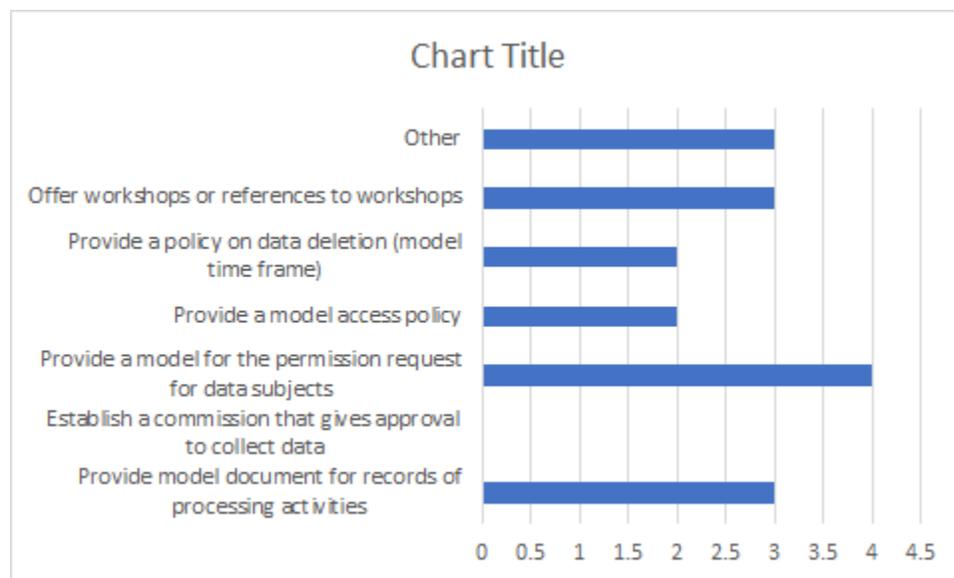


Image 2: Which of these steps have you taken to implement GDPR at your school?

Question 3

To what degree do you believe your researchers are aware of the GDPR?

| Response options | Responses |
|------------------|-----------|
| Mostly aware | 3 |
| Partly aware | 4 |
| Mostly unaware | 1 |
| Hard to say | 0 |

Table 3: To what degree do you believe your researchers are aware of the GDPR?

When we asked to what degree the respondents believed that their researchers are aware of the GDPR, they had four options: they thought they were either mostly aware, partly aware, mostly unaware, or it was hard to say. Nobody thought it was hard to say. Half of the respondents believed the researchers at their school were partly aware. Three thought they were mostly aware, and a minority of one respondent believed researchers at their school were mostly unaware (see **Table 3** and **Image 3**).

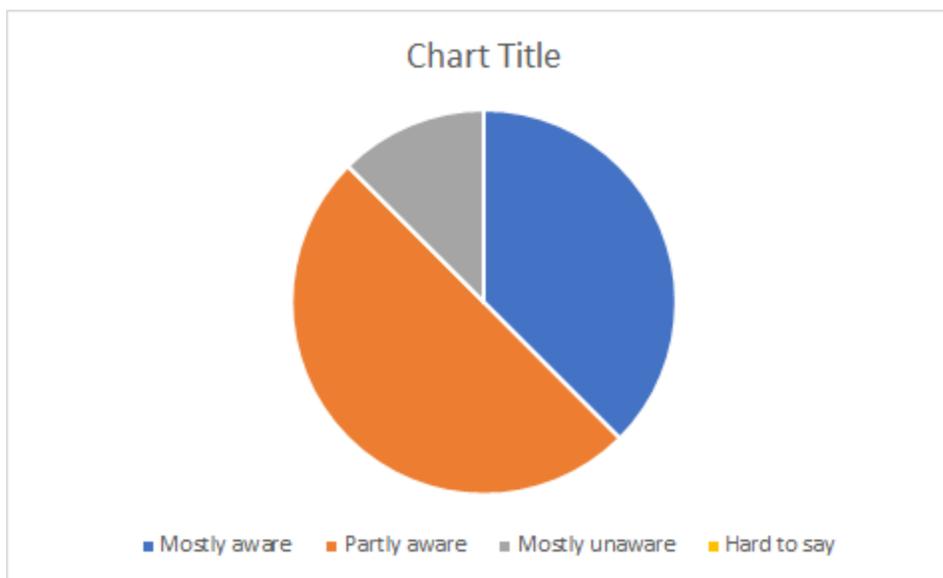


Image 3: To what degree do you believe your researchers are aware of the GDPR?

Question 4

Has GDPR had any negative impact on research at your school?

| Response options | Responses |
|--|-----------|
| Yes, because it had a distracting or discouraging effect | 0 |
| No, because policies were already compliant | 1 |
| No, because the support structure made it easy | 0 |
| It has had no obvious impact | 2 |
| Hard to say | 5 |

Table 4: Has GDPR had any negative impact on research at your school?

Question number four dealt with whether the GDPR has had any negative impact on research at the respondents' school. The question came with five answer options. A majority of five out of eight respondents decided it was hard to say whether GDPR has had any negative impact. One respondent said no, because policies were already compliant, and two stated that GDPR has had no obvious impact. None of the respondents in our sample said that GDPR has had a negative impact on research at the respondents' school because it was distracting or discouraging. On the other hand, no respondent said that the support structure made it easy and therefore GDPR has had no negative impact (see **Table 4** and **Image 4**).

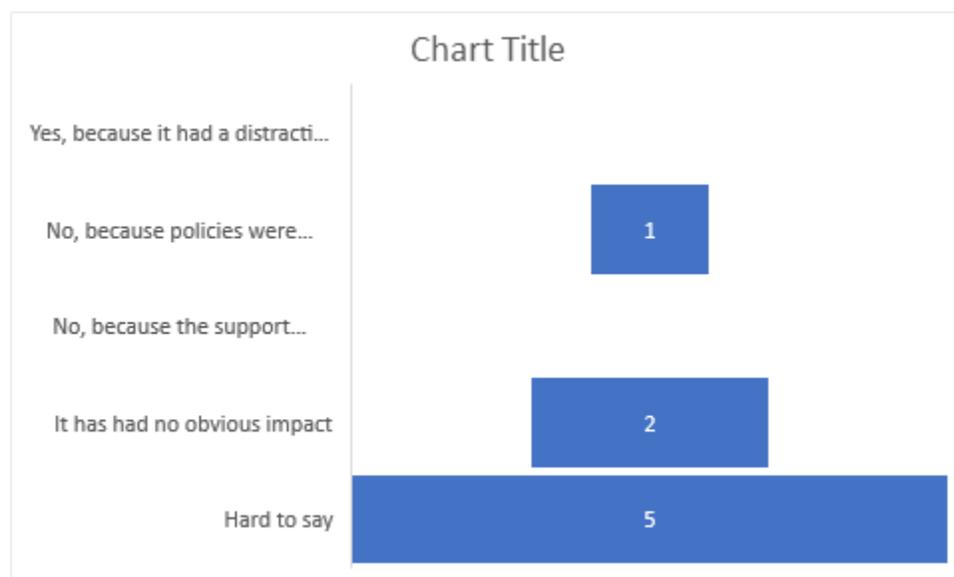


Image 4: Has GDPR had any negative impact on research at your school?

Question 5

Did you add staff specifically to support GDPR implementation?

| Response options | Responses |
|-----------------------|-----------|
| Yes | 2 |
| None that we know of. | 6 |

Table 5: Did you add staff specifically to support GDPR implementation?

For the question as to whether the schools added staff specifically to support GDPR implementation, respondents were able to choose between either “yes” or “none that we know of”. A majority of six respondents selected the latter answer. Only two schools appear to have added staff for the purpose of implementing GDPR (see **Table 5** and **Image 5**).

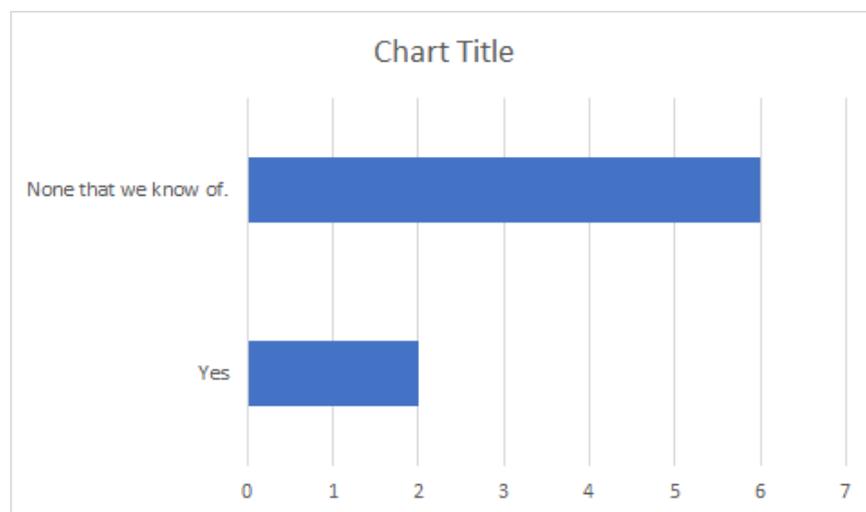


Image 5: Did you add staff specifically to support GDPR implementation?

Question 6

Do you have any other comments to share on this topic?

| Response options | Responses |
|--|-----------|
| No comment | 5 |
| Comment | 3 |
| “The name of the law in [redacted] is [redacted]. It has some differences with GDPR.” | |
| “GDPR is a complicated mess almost impossible to implement on a small system.” | |
| “The university data protection officer co-ordinated preparation for compliance with GDPR across the university, including research activities.” | |

Table 5: Do you have any other comments to share on this topic?³

³ The blackened parts in the first comment are anonymizations for data protection reasons.

There are not many comments in this sample, but they give impressions in three rather different directions (see **Table 6**). One comment addresses the fact that there is another data protection law in the country and that it is different from GDPR. We anonymize the name of the country for data protection reasons. Another comment is straightforward in voicing the opinion that “GDPR is a comp[li]cated mess” and “almost impossible to implement on a small system.” The last comment indicates that the school is active in implementing GDPR and that there is one dedicated person handling this matter: “The university data protection officer co-ordinated preparation for compliance with GDPR across the university, including research activities.” The same respondent who made this comment also noted a list of actions that have been taken to implement GDPR at their school (see question two of the survey). The respondents associated with the last two comments show rather opposite reflections on GDPR: for one school it is “a mess” and the other school does not report any issues.

5. Discussion

Question 1

The first question gives a first idea how far along the iSchools in the European sector are in establishing GDPR-conformant procedures. The fact that half of the schools that participated in this survey are still working on that, shows that the process takes time, but also that those schools are active in that respect. One of the reasons why a respondent may choose either not to answer or to answer that they are not in the process of establishing and changing procedures to comply with GDPR potentially includes that the law does not apply to their country. This is, however, not obvious from the data for all three respondents who did not select yes.

Question 2

The results for the question as to which steps a school has taken to implement GDPR do not say much if viewed without the respondents’ context, other than that it appears to be rare to create a commission. That, however, may be because a commission was already in place before GDPR became effective. The numbers become more interesting when we look at the entire set of answers from one single respondent. From those data we see that there is only one respondent (i.e., one school) that appears rather inactive: not in the process of complying (question 1), no steps taken to implement GDPR (question 2), researchers are estimated to be partially aware of GDPR (question 3), negative impact is hard to determine (question 4), no staff is known to have been added (question 5), and there are no comments on the matter.

Three respondents are at the other end of the spectrum. Two of those have taken five steps of the ones we provided, and one has taken three other steps, one of which rather extensive and affecting the entire university, including “[c]ompulsory training on GDPR for all staff”, “inclusion of data processing questions in research ethical monitoring forms”, as well as “inclusion of data protection and privacy issues in research methods training at all levels in the university”. This respondent also said that “[t]he university data protection officer co-ordinated preparation for compliance with GDPR across the university, including research activities.” This is a sign that the activities are simply well-managed. The school associated with this respondent has a data

protection officer to take care of this management, but that alone does not appear to be the solution, since another respondent says the school has “[a]ssigned [a] data protection officer”, but they also report that “GDPR is a comp[li]cated mess almost impossible to implement on a small system [...]”, and the data protection officer is the only step they took toward GDPR implementation. This suggests that a lot of the responsibility to take steps appears to be on the data protection officer in this case. On the other hand, the respondent for this school reports that GDPR does not seem to have had any obvious negative impact.

The other respondents have taken one or two steps, with one step being the creation of the commission that is not further defined in the answer. The respondent did not indicate that it was the commission that gives approval to collect data (one of the options we provided). The other two respondents both said that their schools provide a model for the permission request for data subjects. One of them also provides a model document for “records of processing activities”, and the other offers workshops or provides references to workshops. One of them also added staff specifically to support GDPR implementation, which shows that extra staff is not necessarily the key to implementation or a higher number of activities that help researchers be GDPR compliant. The respondent who comments that their school trains all staff and includes privacy and data protection in their research methods classes is not aware of any staff that was added for GDPR implementation purposes.

As for a model document for "records of processing activities", three respondents are aware of such a model. This does not mean that the other schools do not keep these records, but it suggests that staff create unstandardized records.

Question 3

Question 3 is a question that is hard to answer without being very close to the researchers at a school and potentially doing a poll to get an idea. That is why it was surprising that all respondents have some sense of how aware the researchers at the school were at the time of submitting the survey.

The respondent who said researchers were mostly unaware of GDPR also said the school added staff specifically to support GDPR implementation, which makes it an unusual combination, assuming that staff for this purpose would make researchers aware. This may be a sign that it takes a while for the information to reach the researchers, or that the researchers are indeed aware, but the respondent misjudged the degree of awareness among researchers at the school.

Our data show that, except for this example, all respondents believe researchers at their school are either mostly aware or partly aware of GDPR.

Question 4

The numbers for question 4 show that a significant number of respondents believe it is hard to determine whether GDPR has had a negative impact on research at their school, which is not surprising considering that this may require inquiries on the researcher level instead of a

school's leadership and administration. Follow-up research of this kind might show whether researchers feel GDPR was distracting and discouraging.

Clear from the answers is that none of the respondents estimate that GDPR has had any negative impact on research at the school. They may be uncertain, but with their answer they at least did not indicate that there were obvious signs of problems for research because GDPR became effective.

Question 5

The fact that most (six out of eight) respondents said they were not aware of any staff that has been added for the sole purpose of supporting GDPR implementation does not mean that the schools associated with those respondents did not add staff or appoint people who take care of GDPR implementation. The respondents may not have been aware at the time of the survey or staff for data protection may already have been in place, such as the respondent explained above who said in comments that they did not hire anyone for this purpose, but there was a data protection officer taking care of the matter.

6. Summary

There is no majority in our small sample that clearly reflects that all respondents' schools go in one direction and all take the same steps toward implementing GDPR compliant research. Model documents for the permission request for data subjects are most popular, but still only half of the respondents are aware of one at their schools.

It is surprising that not all schools provide a model document for "records of processing activities", since this is a requirement of the GDPR. This "record of processing activities" has to be kept for all data processing activities (see Article 30 of the GDPR, [\[3\]](#)). Yet only three respondents are aware of a model document. From our own experience, Humboldt-Universität zu Berlin provides such a model document. It can make the process easier for researchers as well as administrative staff, and it standardizes the record-keeping for the university.

We learned from this survey that schools have different ways of approaching the issue, e.g., with or without extra staff. There does not appear to be one strategy for all schools that guarantees the most efficient procedures. One has to consider the various differences between universities and political situations within a school and within a country. In that sense, there is potential for more research on the question as to what steps European iSchools and their universities have taken to implement GDPR compliant research. Interviews might give deeper insights into why some steps work better for some than for others and why some steps are taken and some are not.

7. References

- [1] “Countries | European Union.” 2020. European Union. https://europa.eu/european-union/about-eu/countries_en#tab-0-0, last accessed on 3 February 2020.
- [2] “EUR-Lex - Document 32016R0679 - Document Information. Verordnung (EU) 2016/679 Des Europäischen Parlaments Und Des Rates Vom 27. April 2016 Zum Schutz Natürlicher Personen Bei Der Verarbeitung Personenbezogener Daten, Zum Freien Datenverkehr Und Zur Aufhebung Der Richtlinie 95/46/EG (Datenschutz-Grundverordnung) (Text von Bedeutung Für Den EWR).” 2016. EUR-Lex. <https://eur-lex.europa.eu/legal-content/DE/ALL/?uri=celex%3A32016R0679>, last accessed on 3 February 2020.
- [3] “EUR-Lex - Document 32016R0679 - Text. Verordnung (EU) 2016/679 Des Europäischen Parlaments Und Des Rates Vom 27. April 2016 Zum Schutz Natürlicher Personen Bei Der Verarbeitung Personenbezogener Daten, Zum Freien Datenverkehr Und Zur Aufhebung Der Richtlinie 95/46/EG (Datenschutz-Grundverordnung) (Text von Bedeutung Für Den EWR).” 2016. EUR-Lex. <https://eur-lex.europa.eu/legal-content/DE/TXT/?uri=celex:32016R0679>, last accessed on 3 February 2020.
- [4] “European Directory.” n.d. iSchools Inc. <https://ischools.org/European-Directory>, last accessed on 3 February 2020.
- [5] “General Data Protection Regulations.” n.d. Northumbria University. <https://www.northumbria.ac.uk/about-us/leadership-governance/vice-chancellors-office/legal-services-team/gdpr/>, last accessed on 3 February 2020.
- [6] Körner, Kevin. 2018. “GDPR – Boosting or Choking Europe’s Data Economy?” Deutsche Bank. https://www.dbresearch.de/servlet/reweb2.ReWEB?rwnode=NAVIGATION&rwsite=RPS_EN-PROD&rwobj=ReDisplay.Start.class&document=PROD000000000470381, last accessed on 3 February 2020.
- [7] Schwartmann, Rolf, and Maximilian Hermann. 2018. “Was Hochschulen Beim Datenschutz Beachten Müssen.” *Forschung & Lehre* 7 (18). <https://www.forschung-und-lehre.de/was-hochschulen-beim-datenschutz-beachten-muessen-772/>, last accessed on 3 February 2020.