UGent GDPR Record template

# Template title

GDPR Record

## Phase title

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## Phase description

This template is for Ghent University researchers who are not writing an extensive DMP but who are nevertheless collecting or processing personal data, and therefore need to record these personal data processing activities in order to comply with the GDPR and the [Code of Conduct for the processing of personal data and confidential information at Ghent University](https://www.ugent.be/en/ghentuniv/privacy/code-of-conduct-personal-data.htm).

As an institution, Ghent University in principle bears the liability and ultimate responsibility for the lawful and secure processing of personal data and for compliance with the GDPR. However, based on the principle of empowerment, this responsibility is shared with the person(s) responsible for the research, i.e. the supervisor and/or leader of the research group and the other participants in the research (possibly also students).

To demonstrate ongoing compliance with the GDPR and the Code of Conduct, researchers processing personal data need to maintain a digital record of those processing activities. Such records should be created before the start of data collection and kept up to date during the research. Afterwards researchers should conduct their research in accordance with the requirements and safeguards documented in this record.

This template presents researchers with an overview of the information they need to provide to comply with the GDPR requirement to record all processing activities, and points them to the possible risks they need to take into consideration before, during or after a research project. The careful and lawful processing of personal data is essential for creating good scientific outcomes.

The scope of the GDPR is rather broad; it concerns the protection of individuals when their personal data are processed, in order to safeguard their fundamental rights to privacy and data protection.

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| **SECTION: Collection and processing of personal data**  When you collect or process personal data in your research, you must take the requirements of the GDPR into account. These requirements apply both when you collect personal data yourself, either directly or indirectly from the data subject and for a specific purpose (primary use), and when you reuse personal data that were previously collected, possibly for another purpose, by yourself or someone else (secondary use).  When processing personal data, it is important to inform the persons concerned (also called the ‘data subjects’) about this processing (principle of transparency), even if it concerns secondary use of personal data. | | | |
| **Question** | **Answer Format** | **Question-specific guidance** | **Guidance Theme** |
| 1. **Are you collecting or processing personal data?** | Radio buttons (only one option can be selected):   * Yes [Default answer] * No | Personal data are any information relating to an identified or identifiable natural person, i.e. a living individual (also called a 'data subject'). Examples of personal data include but are not limited to name, address, e-mail address, photo, ID number, IP address, employee number, private or professional telephone number (who-is-who), login details, identification cookies, account number, CV, log data (e.g. cafeteria, parking use, web use), camera images, personnel files, wage data, professional expenses, health data, ...  For more information see this [FAQ on personal data](https://onderzoektips.ugent.be/en/tips/00001781/). |  |
| 1. **Are you collecting or processing primary personal data and/or secondary personal data?** | Checkboxes (multiple options can be selected):   * Primary personal data * Secondary personal data | **Primary personal data** implies that you are collecting the personal data directly or indirectly from the data subject for a specific purpose. For example, this is the case when you are collecting personal data via surveys.  **Secondary personal data** means that you reuse personal data that was collected previously, possibly for another (research) purpose, by yourself or by someone else.  In many research projects there will be a combination of primary and secondary personal data.  For more information see this [FAQ on secondary processing of personal data](https://onderzoektips.ugent.be/en/tips/00001788/). |  |
| 1. **If you are processing secondary personal data, will you inform the persons whose personal data are being processed or have they already been informed?** | Radio buttons (only one option can be selected):   * Yes * No | If you are processing secondary personal data, it remains important to be transparent to the data subjects. This means that you should inform the data subjects of this new processing of their data.  In the case of processing secondary personal data, you can be excepted from providing this information if providing this information would require a disproportionate amount of effort, or if it would make impossible or seriously jeopardise the achievement of the purposes of the processing. In this case, you need to explain in the next question why you need to deviate from the data subject’s right to be informed.  For more information see this [FAQ on transparency towards data subjects](https://onderzoektips.ugent.be/en/tips/00001791/). |  |
| 1. **If no, explain why it is impossible or why it would take a disproportionate effort to inform the persons whose personal data are being processed.** | Text area |  |  |
| **SECTION: Categories of personal data & data subjects**  Data minimisation is an important principle of the GDPR. It means that you should only process personal information that is necessary for obtaining the objectives of your research.  In the following questions you are asked to document which categories of personal data you are collecting/processing, and who the people are whose personal data you are collecting/processing. | | | |
| **Question** | **Answer Format** | **Question-specific guidance** | **Guidance Theme** |
| 1. **Are you collecting/processing any of the following special categories of data?** | Check boxes (multiple options can be selected):   * Data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union memberships * Genetic data * Biometric data for the purpose of uniquely identifying a natural person, such as audio recordings of voices, fingerprints, facial images, iris scans * Data concerning health (physical and mental health), an individual’s sex life, or an individual’s sexual orientation * Data relating to criminal convictions and offences * None of the above | For more information see this [FAQ on personal data](https://onderzoektips.ugent.be/en/tips/00001781/). |  |
| 1. **Which other categories of personal data are you collecting/processing?** | Check boxes (multiple options can be selected):   * Identification data (names, titles, addresses, phone numbers, passport numbers, IP addresses, cookies, electronic location data (GPS, mobile phone)…) * Financial details (bank account numbers, expenses, loans, …) * Personal characteristics (age, gender, date of birth, marital status, nationality…) * Physical characteristics (height, weight…) * Psychological details (personality, character…) * Leisure activities and interests (hobbies, sports…) * Consumption patterns * Education and training * Lifestyle habits * Household composition; family membership * Home characteristics * Occupation and profession * National insurance number * Audio and video recordings * Other (please specify below) |  |  |
| 1. **Whose personal data are you collecting/processing?** | Check boxes (multiple options can be selected):   * Children below the age of 13 * Children between the age of 13 and 16 * Children over the age of 16 * Other vulnerable persons (e.g. pregnant women, elderly persons, people with mental disorders, asylum seekers, disabled persons, ethnic minorities, sick people or patients) * Others (please specify below) | Vulnerable persons often concern persons who are not legally competent, persons who are not able to give their consent, or persons who may suffer very adverse consequences if their personal data become publicly available.  Processing data from children and/or other vulnerable persons may entail further specific requirements (e.g. consent from a parent/legal guardian, a prior Data Protection Impact Assessment…).  For more information see this [FAQ on vulnerable persons](https://onderzoektips.ugent.be/en/tips/00001782/). |  |
| 1. **Will your research be seriously hampered if the persons whose personal data are being collected/processed exercise their right to access, to rectification, to restriction of processing, to be forgotten, to data portability and/or to object?** | Radio buttons (only one option can be selected):   * Yes * No | As a researcher, you have to take into account that data subjects can exercise different rights with regard to the processing of their personal data:   * **Right of access**: a data subject can ask whether personal data are processed about him/her, which categories of personal data are processed, why they are processed and with whom they are shared * **Right to rectification**: if the data are not correct, the data subjects can ask to correct or supplement them * **Right to be forgotten**: in a number of cases and circumstances, the data subjects can have their personal data deleted * **Right to restriction of processing**: if certain criteria are met, data subjects can ask you to (temporarily) stop processing their personal data * **Right to data portability**: data subjects can request the transfer of personal data, processed by automated means and on the basis of their consent or the conclusion of a contract with the controller, in a structured, commonly used and machine-readable format * **Right to object** to certain use of personal data and to automated decision-making and profiling   For more information see this [FAQ on data subjects’ rights](https://onderzoektips.ugent.be/en/tips/00001790/).  Within a research context, some rights of the data subjects may be limited to a greater or lesser extent in specific circumstances, namely when exercising these rights seriously impedes the research objectives or threatens to make them impossible. If this is the case for your research, it is important to clearly explain for each right the need to deviate from this right/these rights (in the next question). |  |
| 1. **If yes, please justify the need to deviate from one or more of the rights mentioned in question 8. A justification is required for each deviation.** | Text area |  |  |
| **SECTION: Purpose(s) of the processing**  According to the principles of lawfulness and purpose limitation, personal data should be processed based on an appropriate legal ground and for a specified and explicit purpose.  In the following questions you will be asked to clearly define the purpose and the legal ground of the processing. | | | |
| **Question** | **Answer Format** | **Question-specific guidance** | **Guidance Theme** |
| 1. **What is/are the purpose(s) of the personal data processing?** | Text area | Describe in detail the purpose(s) for which the personal data are intended.  E.g. the personal data shall be processed in biomedical research, a clinical trial, a social study, … |  |
| 1. **What is the legal ground for the processing? If the data are being processed for multiple purposes, you must describe the legal ground for each purpose.** | Text area | To be lawful, the processing of personal data must be based on any one of the legal grounds mentioned in the GDPR. It is very important to carefully consider and indicate the legal ground for each purpose at the start of your research.  Note that there can **only be one legal ground per purpose** of data processing.  The legal ground for processing personal data needs to be one of the following:   * The individuals participating in the research have freely given their **explicit informed** consent for one or more specific purposes * The research will be performed in the **public interest**, which means that it will lead to an increase of knowledge and insight to the direct or indirect benefit of society * The research is necessary for the purposes of the **legitimate interests** of Ghent University, yet results in no high risks for the individuals participating in the research * The processing is necessary for the **execution of an agreement** with the person whose data are being processed (note that this is not about the processing agreement) * The processing of personal data is necessary in the context of a **legal obligation** of Ghent University   For more information see this [FAQ on lawful processing of personal data](https://onderzoektips.ugent.be/en/tips/00001787/). |  |
| **SECTION: GDPR responsibility**  Within the GDPR, different roles are defined in the processing of personal data. The most important roles are those of controller, joint controller and processor.  Since (joint) controllers and processors have different responsibilities and obligations, it is important that you clearly define these roles (together with the other partners in your research) at the start of your research. For more information on the responsibilities and obligations of the different roles, see this [FAQ on the different roles and responsibilities in the GDPR](https://onderzoektips.ugent.be/en/tips/00001789/). | | | |
| **Question** | **Answer Format** | **Question-specific guidance** | **Guidance Theme** |
| 1. **Is there another university, research institute or partner involved in the research (besides Ghent University)?** | Radio buttons (only one option can be selected):   * Yes * No: UGent is the sole data controller | When no other university, research institute or partner is involved in the research, Ghent University defines the purposes (‘why’) and the means (‘how’) of the research. |  |
| 1. **If yes, please specify who determines the purposes (‘why’) and the means (‘how’) of the research.** | Radio buttons (only one option can be selected):   * This is determined within **Ghent University**: UGent is the data controller * This is determined **together with a researcher/university/institution outside Ghent University**: UGent is a joint controller * This is **determined outside Ghent University:** UGent is a data processor (please specify contact details of **the data controller** and its data protection officer below) | The **data** **controller** is defined as the institution/organisation/person that determines the purpose (“why”) and means (“how”) of the processing. Only providing the funding for research (e.g. in the case of research projects/fellowships funded by the FWO, the European Commission, etc.) is not sufficient to be controller in the context of research. In this case, Ghent University remains the controller.  In the case of **joint controllers**, the purposes and the means are determined by two or more organisations or institutions. This situation often occurs in a research consortium.  When another institution/organisation/person outside UGent determines the purposes and the means of the processing, and you are only processing the personal data on behalf of that person/organisation/institution, you are acting as a data **processor or sub processor**. |  |
| **SECTION: Data transfers & categories of recipients**  In the following questions you will be asked if you are disclosing/sharing/transferring your data, and if so, who the recipients are. | | | |
| **Question** | **Answer Format** | **Question-specific guidance** | **Guidance Theme** |
| 1. **Are you disclosing/sharing/transferring personal data beyond your project team, either with recipients in UGent or UZ Gent, or with external recipients?** | Radio buttons (only one option can be selected):   * Yes * No | This question relates both to the transfer of data during and after your research. |  |
| 1. **If yes, to or with which categories of recipients are the personal data being disclosed/shared/transferred?** | Check boxes (multiple options can be selected):  The persons whose personal data are being collected/processed   * Personal contacts of the data subjects * Other researchers within your department * Other researchers within UGent * Other researchers outside UGent * Government services/departments * Justice and police departments * Social security agencies * Private companies (e.g. data processors, cloud service providers, …) * Banks and insurance companies * Consultants in processing of personal data or direct marketing * Others (please specify below) |  |  |
| 1. **If yes, where are the personal data being disclosed/shared/transferred to?** | Check boxes (multiple options can be selected):   * Belgium * Another country within the European Economic Area (EEA) (please specify the country below) * A country outside the European Economic Area (EEA) but on the European Commission’s ‘white list’ (please specify the country below) * A country outside the European Economic Area (EEA) and not on the ‘white list’ (please specify the country below) * An international organisation (please specify below, including the location of the organisation) | **Within the EEA**, the GDPR guarantees an adequate level of protection of the fundamental rights of data subjects.  For some countries **outside the EEA**, the European Commission has decided that the level of protection is adequate. These countries are on the ‘**white list’**. To see the list of countries offering an adequate level of protection, check the latest version of the [white list](https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries_en) on the website of the EC!  When personal data are being disclosed/shared/transferred to **other countries**, additional measures should be taken.  Also note that when using **cloud services**, personal data may be stored on servers in multiple locations. Therefore, you need to check to which countries personal data are being transferred when using cloud services. If you don’t know, or if personal data are transferred to countries outside the EEA or countries not on the ‘white list’, additional measures must be taken to ensure an adequate level of data protection. |  |
| 1. **What is/are the purpose(s) of the data transfer?** | Text area | Describe in detail the purpose(s) for which the personal data are intended.  E.g. the personal data shall be processed in biomedical research, a clinical trial, a social study, … |  |
| 1. **What is the legal ground for the data transfer? If there will be multiple data transfers, you need to indicate the legal ground for each data transfer.** | Text area | There can only be one legal ground per data transfer. The legal ground for data transfer needs to be one of the following:   * The individuals participating in the research have freely given their explicit **informed** **consent** for the data transfer * The data transfer will be performed in the **public interest**, which means that it will lead to an increase of knowledge and insight to the direct or indirect benefit of society * The data transfer is necessary for the purposes of the **legitimate interests** of Ghent University, yet results in no high risks for the individuals participating in the research * The data transfer is necessary for the **execution of an agreement** with the person whose data are being processed (note that this is not about the processing agreement) * The transfer of personal data is necessary in the context of a **legal obligation** of Ghent University   For more information see this [FAQ on lawful processing of personal data](https://onderzoektips.ugent.be/en/tips/00001787/). |  |
| **SECTION: Retention period**  Indicate how long the data will be retained/preserved, or the criteria that will be used to determine this period for all different categories of personal data.  As a researcher, it is important to ensure that data are preserved in a location or environment with appropriate security measures to protect the confidentiality of the data during this retention period.  For more information see this [FAQ on how long to keep personal data](https://onderzoektips.ugent.be/en/tips/00001793/). | | | |
| **Question** | **Answer Format** | **Question-specific guidance** | **Guidance Theme** |
| 1. **What is the envisaged retention period for the different categories of personal data? Please motivate.** | Text area | Indicate how long the data will be retained/preserved, or the criteria that will be used to determine this period for all different categories of personal data.  As a researcher, it is important to ensure that data are preserved in a location or environment with appropriate security measures to protect the confidentiality of the data during this retention period.  For more information see this [FAQ on how long to keep personal data](https://onderzoektips.ugent.be/en/tips/00001793/). | **Period of Preservation** |
| **SECTION: Risk analysis**  Risk assessment is an important aspect of the GDPR. The following questions will enable you to evaluate the privacy risks of your processing, and indicate if you will need to take additional measures to protect the privacy of the persons whose data you are processing. | | | |
| **Question** | **Answer Format** | **Question-specific guidance** | **Guidance Theme** |
| 1. **To analyse the possible risks associated with the processing of personal data, please tick the boxes that apply to this research.** | Check boxes (multiple options can be selected):   * Special categories of personal data are processed in this research (see question 5) * Personal data of children or other vulnerable persons are processed in this research (see question 7) * Personal data are processed on a large scale (please consider the number of data subjects concerned, either as a specific number or as a proportion of the relevant population) * Aspects concerning the data subject's performance at work, economic situation, health, personal preferences or interests, reliability or behavior, location or movements are evaluated or scored, profiled or predicted * The data are transferred beyond the borders of the EU or the EEA, or to a country not listed on the ‘white list’ (see question 16) * The research involves datasets that have been or will be matched or combined   The processing aims at taking decisions producing legal effects concerning the data subject or similarly significant effects for the data subject. For example, the processing may lead to exclusion of or discrimination against individuals   * The processing prevents data subjects from exercising a right or using a service or a contract * The research involves the systematic monitoring of persons in one or more publicly accessible areas * The research involves innovative use or application of technological or organisational solutions, like combining the use of finger print and face recognition for improved physical access control * The research involves the processing of non-pseudonymised personal data |  |  |
| 1. **Does the research constitute a probable high-risk processing? If you ticked two or more boxes in question 20, the answer is ‘yes’.** | Radio button (only one option can be selected):   * Yes * No |  |  |
| 1. **If yes, explain why the processing is necessary to achieve the purposes of the research.** | Text area |  |  |
| 1. **If yes, provide more details for any of the risks that you have ticked in question 20.** | Text area | Describe the possible risks or harms to the person, third parties and/or communities associated with the processing of personal data within your research. You can do this by taking into account the risk of discrimination, stigmatisation, data leaks (disclosure of the person's identity or sensitive data, or damage to their reputation through a breach of confidentiality), threats to the safety of participants, and the possible abuse of the research methodology or findings. |  |
| **SECTION: Security measures**  When you process personal data, you have the ethical and legal obligation to ensure that personal data are adequately protected (principle of integrity and confidentiality). In the following questions, you will be asked to document the technical and organisational security measures that you will take to protect the data. | | | |
| **Questions** | **Answer Format** | **Question-specific guidance** | **Guidance Theme** |
| 1. **What technical and organisational security measures are in place to protect personal data?** | Check boxes (more than one option can be selected):   * I hereby confirm that I carry out my research in accordance with the information security policy of UGent * Additional security measures will be or have been taken (please specify below) | The basic level of security must always be in accordance with the information security policy of the institution or organisation.  However, additional measures may be necessary for each processing. The choice of the additional security measures is based on an assessment of the risks of the processing. A more risky processing will have to be accompanied by a more extensive set of security measures. | **Data Security** |
| 1. **If you answered 'yes' to question 21 (which means that your research constitutes a probable high-risk processing), indicate whether the security measures taken are sufficient to protect the rights and freedoms of the people whose data you collect/process.** | Text area |  |  |
| 1. **If you have motivated the need to deviate from one or more of the rights of the persons whose personal data you are collecting/processing in question 8 and 9, please describe which safeguards are put in place to protect their rights and freedoms.** | Text area |  |  |