

# **Data Privacy Dilemma: Navigating GDPR Ethics in Research**

**Case Study on Privacy**

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# The Case

Ricardo works for the records department of his local government as a computer records clerk, where he has access to files of property tax records. For a scientific study, a researcher, Beth, has been granted access to the numerical portion “but not the corresponding names” of some records.

Beth finds some information that she would like to use, but she needs the names and addresses corresponding with certain properties. Beth asks Ricardo to retrieve these names and addresses, so she can contact these people for more information and for permission to do further study.

Now consider, what are the ethical issues involved in deciding which of these options to pursue?

- If Ricardo is not responsible for determining allowable access, should he release the names and addresses?
- Suppose Ricardo were responsible for determining allowable access to the files. What ethical issues would be involved in his deciding whether to grant access to Beth?
- Should Beth be allowed to contact the individuals involved? That is, should the Records department release individuals' names to a researcher? What are the ethical issues for the Records department to consider?
- Suppose Beth contacts the individuals to ask their permission, and one-third of them respond giving permission, one-third respond denying permission, and one-third do not respond. Beth claims that at least one-half of the individuals are needed to make a valid study. What options are available to Beth?

# Core Ethical Issues & GDPR Framework

## Key Ethical Concerns

- Privacy: Names and addresses are personal data requiring protection
- Consent: Processing requires freely given, specific, informed consent (GDPR, 2019b)
- Confidentiality: Records must be used only as authorised

## GDPR Principles at Stake

- Purpose Limitation (Art. 5(1)(b)): Data collected for tax purposes cannot be used for incompatible purposes like research without lawful basis (GDPR, 2021)
- Lawful Basis (Art. 6): Processing requires legal justification (GDPR, 2024)

# Ricardo's Ethical Position

## If Ricardo Does NOT Determine Access

- Must follow department access policies, cannot release data without authorisation
- Unauthorised disclosure violates GDPR purpose limitation and privacy rights
- Ethical breach even if motivated by scientific enquiry

## If Ricardo DOES Determine Access

- Must identify appropriate Article 6 lawful basis (consent, public interest, legitimate interests)
- Must ensure data subjects are informed about new processing (GDPR, 2016)
- Must balance public research interest against individual privacy rights
- Apply principle of least disclosure, minimum data only

# Beth's Contact Rights & Partial Consent

## Should Records Department Release Names?

- Requires valid GDPR consent: informed, specific, voluntary before disclosure
- Individuals must be properly informed about research purpose
- Right to decline participation without penalty

## Beth's Options with One-Third Consent

- Can only study individuals who provided explicit, informed consent
- Non-response ≠ consent: GDPR Recital 32 states "silence or inactivity should not constitute consent" (GDPR, 2019a)
- Ethical alternatives: Increase outreach efforts, adapt study design, seek ethics committee guidance, or accept smaller sample size
- Cannot lower ethical/legal standards to meet desired sample size

# Conclusions & GDPR Compliance Requirements

## Key Findings

- Personal data cannot be shared beyond original purpose without lawful basis and proper consent
- GDPR purpose limitation (Art. 5(1)(b)) prevents using tax records for research without appropriate safeguards (GDPR, 2021)
- Valid consent must be freely given, specific, informed, and unambiguous

## Recommendations

- Organisations must establish clear data access policies compliant with GDPR
- Researchers must respect autonomy, transparency obligations, and informed participation rights
- Consider alternative approaches: anonymised datasets, ethics committee approval, or prospective consent mechanisms

# References

GDPR (2016) *Art. 13 GDPR – Information to be provided where personal data are collected from the data subject.* Available at: <https://gdpr-info.eu/art-13-gdpr/> (Accessed: 14 November 2025).

GDPR (2018) *Art. 7 GDPR – Conditions for consent.* Available at: <https://gdpr-info.eu/art-7-gdpr/> (Accessed: 14 November 2025).

GDPR (2019a) *Recital 32Conditions for Consent\**. Available at: <https://gdpr-info.eu/recitals/no-32/> (Accessed: 14 November 2025).

GDPR (2019b) *What are the GDPR consent requirements?* Available at: <https://gdpr.eu/gdpr-consent-requirements/> (Accessed: 14 November 2025).

GDPR (2021) *Art. 5 GDPR – Principles Relating to Processing of Personal Data.* Available at: <https://gdpr-info.eu/art-5-gdpr/> (Accessed: 14 November 2025).

GDPR (2024) *Art.6 GDPR – Lawfulness of processing.* Available at: <https://gdpr-info.eu/art-6-gdpr/> (Accessed: 14 November 2025).