The role of individual data subject rights for the regulation of data in the EU

A Data Management Plan created using DMPonline.be

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Project abstract:

Data are the future. The EU's regulatory activity is therefore no longer limited to EU data protection law (e.g. the General Data Protection Regulation), when it comes to regulating the use of data. Since 2020, the European Commission has proposed six data regulations forming 'EU data law', three of which have since been adopted (Data Governance Act, Digital Services Act, Digital Markets Act), while for the other three discussions are advancing (AI Act, Data Act, Health Data Space).
Within EU data protection law, the explicit objective is to protect fundamental rights when personal data are used. One crucial element thereby is the granting of enforceable rights ('data subject rights') for individuals to gain transparency and certain control over their personal data, e.g. such rights enable individuals to demand rectification of inaccurate data.
The protection of fundamental rights via enforceable rights is however no longer explicitly part of the EU's regulatory approach towards data. The new EU data law acts either refer only vaguely to provisions of EU data protection law without details on individual rights, or do not foresee them at all. The impact of this 'cutting-back-on-individual-rights' on the protection of EU fundamental rights has not yet been addressed in academic research. The objective of this project is to clarify such impact through analytical, comparative, and normative legal research to understand the role of individual rights for the regulation of data.

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Research Data Summary

List and describe all datasets or research materials that you plan to generate/collect or reuse during your research project. For each dataset or data type (observational, experimental etc.), provide a short name & description (sufficient for yourself to know what data it is about), indicate whether the data are newly generated/collected or reused, digital or physical, also indicate the type of the data (the kind of content), its technical format (file extension), and an estimate of the upper limit of the volume of the data.

Dataset name / ID	Description	New or reuse	Digital or Physical data	Data Type	File format	Data volume	Physical volume
		Indicate: ***N****(ew data) or* ***E****(xisting data)*	Indicate: **D**(igital) or **P**(hysical)	Indicate: **A**udiovisual **I**mages **S**ound **N**umerical **T**extual **M**odel **SO**ftware Other (specify)		Indicate: <1GB <100GB <1TB <5TB >5TB NA	
Literature review Data Law	A folder with academic literature, grey literature, policy proposals, legislative proposals, case law on EU data Law	E	D	T		<1GB	

If you reuse existing data, please specify the source, preferably by using a persistent identifier (e.g. DOI, Handle, URL etc.) per dataset or data type:

Academic literature was downloaded from the KU Leuven Library (LIMO).
Grey literature and policy proposals were downloaded from openly accessible websites, e.g. from the European Commission.
Legislative proposals were downloaded from EUR LEX.
Case law was downloaded from CURIA and HUDOC.

Are there any ethical issues concerning the creation and/or use of the data (e.g. experiments on humans or animals, dual use)? If so, refer to specific datasets or data types when appropriate and provide the relevant ethical approval number.

- No

Will you process personal data? If so, please refer to specific datasets or data types when appropriate and provide the KU Leuven or UZ Leuven privacy register number (G or S number).

- No

Does your work have potential for commercial valorization (e.g. tech transfer, for example spin-offs, commercial exploitation, …)? If so, please comment per dataset or data type where appropriate.

- No

Do existing 3rd party agreements restrict exploitation or dissemination of the data you (re)use (e.g. Material or Data transfer agreements, Research collaboration agreements)? If so, please explain in the comment section to what data they relate and what restrictions are in place.

- No

Are there any other legal issues, such as intellectual property rights and ownership, to be managed related to the data you (re)use? If so, please explain in the comment section to what data they relate and which restrictions will be asserted.

- No

Documentation and Metadata

Clearly describe what approach will be followed to capture the accompanying information necessary to keep data understandable and usable, for yourself and others, now and in the future (e.g. in terms of documentation levels and types required, procedures used, Electronic Lab Notebooks, README.txt files, codebook.tsv etc. where this information is recorded).

Downloaded documents are saved with a clear file name indicating: (1) date of downloading; (2) concerned institution or author; (3) key word to identify the content. For example: 20231028.EC_Data_strategy.pdf

Will a metadata standard be used to make it easier to find and reuse the data?
If so, please specify which metadata standard will be used.

If not, please specify which metadata will be created to make the data easier to find and reuse.

- No

The naming convention explained above will make it easier.

Data Storage & Back-up during the Research Project

Where will the data be stored?

- OneDrive (KU Leuven)

How will the data be backed up?

- Standard back-up provided by KU Leuven ICTS for my storage solution

Is there currently sufficient storage & backup capacity during the project?

If no or insufficient storage or backup capacities are available, explain how this will be taken care of.

- Yes

How will you ensure that the data are securely stored and not accessed or modified by unauthorized persons?

I have two-factor authentication for my laptop and follow regular cybersecurity trainings offered by KU Leuven to ensure the safety of my files.

What are the expected costs for data storage and backup during the research project? How will these costs be covered?

No costs (use of KU Leuven provided facilities)

Data Preservation after the end of the Research Project

Which data will be retained for 10 years (or longer, in agreement with other retention policies that are applicable) after the end of the project?

In case some data cannot be preserved, clearly state the reasons for this (e.g. legal or contractual restrictions, storage/budget issues, institutional policies...).

- All data will be preserved for 10 years according to KU Leuven RDM policy

Where will these data be archived (stored and curated for the long-term)?

- Shared network drive (J-drive)

What are the expected costs for data preservation during the expected retention period? How will these costs be covered?

No costs expected (use of KU Leuven solutions).

Data Sharing and Reuse

Will the data (or part of the data) be made available for reuse after/during the project?
Please explain per dataset or data type which data will be made available.

- Other (specify below)

The collection will be made available upon request by sharing the link to the folder on onedrive.

If access is restricted, please specify who will be able to access the data and under what conditions.

Question not answered.

Are there any factors that restrict or prevent the sharing of (some of) the data (e.g. as defined in an agreement with a 3rd party, legal restrictions)?

Please explain per dataset or data type where appropriate.

- Yes, intellectual property rights

Where will the data be made available?

If already known, please provide a repository per dataset or data type.

- Other data repository (specify below)

One Drive

When will the data be made available?

- Other (specify below)

Upon request.

Which data usage licenses are you going to provide?

If none, please explain why.

- Other (specify below)

For the data in question, no license is per se required.

Do you intend to add a persistent identifier (PID) to your dataset(s), e.g. a DOI or accession number? If already available, please provide it here.

- No

What are the expected costs for data sharing? How will these costs be covered?

No costs.

Responsibilities

Who will manage data documentation and metadata during the research project?

Myself (Laura Drechsler)

Who will manage data storage and backup during the research project?

Myself (Laura Drechsler)

Who will manage data preservation and sharing?

Myself (Laura Drechsler)

Who will update and implement this DMP?

Myself (Laura Drechsler)