
Procedurele waarborgen met betrekking tot verklaringen van slachtoffers, getuigen en verdachten in strafprocedures in België en Engeland en Wales: een vergelijkende studie in het licht van de preventie van gerechtelijke dwalingen

A Data Management Plan created using DMPonline.be

Creators: Floor Van Hove, Lore Mergaerts  <https://orcid.org/0000-0002-2225-1922>

Affiliation: KU Leuven (KUL)

Funder: Fonds voor Wetenschappelijk Onderzoek - Research Foundation Flanders (FWO)

Template: FWO DMP (Flemish Standard DMP)

Project Administrator: Lore Mergaerts  <https://orcid.org/0000-0002-2225-1922>

Grant number / URL: G003124N

ID: 206885

Start date: 01-10-2024

End date: 30-09-2028

Project abstract:

Inaccurate statements obtained from victims, witnesses and suspects or accused persons involved in criminal proceedings may hamper the truth finding process and are common in miscarriages of justice cases. Such inaccurate statements may not only be caused by individual factors (e.g. memory problems or mental disorders), but as well by the procedures adopted to obtain them. There is, however, hardly any knowledge on how information is actually obtained from these parties in the course of Belgian criminal proceedings. This is in stark contrast with the situation in England and Wales, where procedures in relation to obtaining information from victims, witnesses and suspects are well-documented, especially in relation to police questioning practices. Therefore, the envisaged research will analyse investigative acts and trial hearings intended to obtain information from these parties in Belgium and England and Wales from a legal, empirical and comparative perspective to identify best practices, remaining challenges and solutions for obtaining accurate information from victims, witnesses and suspects in criminal proceedings.

Last modified: 05-06-2024

Procedurele waarborgen met betrekking tot verklaringen van slachtoffers, getuigen en verdachten in strafprocedures in België en Engeland en Wales: een vergelijkende studie in het licht van de preventie van gerechtelijke dwalingen

Application DMP

Questionnaire

Describe the datatypes (surveys, sequences, manuscripts, objects ...) the research will collect and/or generate and /or (re)use. (use up to 700 characters)

The data consist of interviews conducted in Belgium and England & Wales with policemen, magistrates (including investigative judges, prosecutors and judges) and lawyers. It concerns primary observational data in audio-format (MP3) and textual format (Word).

The volume probably will not exceed 10 GB.

Specify in which way the following provisions are in place in order to preserve the data during and at least 5 years after the end of the research? Motivate your answer. (use up to 700 characters)

The researchers involved in the project will be designed as responsible persons for the data management. During and after the research, the data will be stored on an extra storage space (drive) that is available on the researchers' computer. The data saved here is stored encrypted on the central storage infrastructure of KU Leuven to avoid loss of data should problems arise with the computer (damage, lost or stolen). A copy of all the data on this central network drive is stored on a second location, which guarantees the data's availability even in the event of problems with the hardware ("disaster recovery"). The researchers' computers are furthermore encrypted locked using BitLocker.

What's the reason why you wish to deviate from the principle of preservation of data and of the minimum preservation term of 5 years? (max. 700 characters)

As part of the well-established research data management policy of KU Leuven, the data have to be preserved for 10 years.

Are there issues concerning research data indicated in the ethics questionnaire of this application form? Which specific security measures do those data require? (use up to 700 characters)

The research involves human participants as volunteers for human sciences research.

Pseudonymization and the described safe storage of the data are guaranteed as security measures to protect the data obtained from them. The data will be pseudonymized immediately after conducting the interviews/data from the survey have been obtained and only these data will be used. The personal data will be safely stored no longer than absolutely necessary.

Which other issues related to the data management are relevant to mention? (use up to 700 characters)

Not applicable.

Procedurele waarborgen met betrekking tot verklaringen van slachtoffers, getuigen en verdachten in strafprocedures in België en Engeland en Wales: een vergelijkende studie in het licht van de preventie van gerechtelijke dwalingen
FWO DMP (Flemish Standard DMP)

1. 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.

				Only for digital data	Only for digital data	Only for digital data	Only for physical data
Dataset Name	Description	New or reused	Digital or Physical	Digital Data Type	Digital Data format	Digital data volume (MB/GB/TB)	Physical volume
Literature							
Academic literature	Books, articles, book chapters, reports, ... This involves social science literature, but also legal doctrine.	Reuse existing data	Digital and physical	Other	<ul style="list-style-type: none"> .pdf .docx .html 	< 1 GB	Unknown
Legislation and case law							
EU legislation	Relevant EU legislation and preparatory documents (for instance drafts)	Reuse existing data	Digital	Other	.pdf	< 1 GB	
COE legislation	ECHR	Reuse existing data	Digital	Other	.pdf	< 100 MB	
ECtHR case law	Relevant case law on art. 3 and art.6 ECHR	Reuse existing data	Digital	Other	.pdf	< 1 GB	
Belgian legislation	Relevant Belgian legislation and preparatory documents	Reuse existing data	Digital	Other	.pdf	< 1 GB	
Belgian case law	Relevant Belgian case law	Reuse existing data	Digital	Other	.pdf	< 1 GB	
English and Welsh legislation	Relevant English and Welsh legislation and preparatory documents	Reuse existing data	Digital	Other	.pdf	< 1 GB	
English and Welsh case law	Relevant English and Welsh case law	Reuse existing data	Digital	Other	.pdf	< 1 GB	
Interviews							
Audio recordings	Audio recordings of the interviews	New data	Digital	Observational	.mp3	< 1 GB	
Notes	Notes that were taken during the interviews	New data	Physical	Observational			One notebook
Transcripts	Transcripts of the interviews	New data	Digital	Observational	.docx	< 1 GB	
Coded interviews	Interviews coded in NVivo	New data	Digital	Observational	.nvp	< 1 GB	

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: downloaded from different online databases like Stradalex, Limo, Jura or found through the KU Leuven Library system
- EU legislation + preparatory documents: <https://eur-lex.europa>
- COE legislation: https://www.echr.coe.int/documents/d/echr/convention_ENG
- ECtHR case law: <https://www.echr.coe.int/>
- Belgian legislation + preparatory documents: <https://belgielex.be/nl>, <https://codex.vlaanderen.be/>, <https://www.dekamer.be/kvvcr/index.cfm>, <https://senaat.be/>, <https://www.vlaamsparlement.be/nl>, <https://www.parlement-wallonie.be/>, ...
- Belgian case law: <https://www.const-court.be/nl/>, <http://www.raadvst-consetat.be/>, https://justitie.belgium.be/nl/rechterlijke_orde/hoven_en_rechtbanken/hof_van_cassatie, <https://juportal.be/home/welkom>, ...
- English and Welsh legislation + preparatory documents: <http://www.legislation.gov.uk/>, <https://www.gov.uk/official-documents>, <https://www.parliament.uk/>, ...
- English and Welsh case law: <https://www.bailii.org/>, ...

Are there any ethical issues concerning the creation and/or use of the data (e.g. experiments on humans or animals, dual use)? Describe these issues in the comment section. Please refer to specific datasets or data types when appropriate.

- Yes, human subject data

Personal data will be collected and processed during the interviews. The collected data do not fall under the category of special personal data.

A request for ethical approval was made at SMEC (reference number: G-2024-8058).

Will you process personal data? If so, briefly describe the kind of personal data you will use in the comment section. Please refer to specific datasets or data types when appropriate.

- Yes

In this study, the following demographic and personal data will be collected and processed: name, age, gender, title, training/education, occupation, work experience, phone number and email address. In the audio recordings, participants' voices are audible.

The collected and processed data do not fall under the category of special personal data.

Collected personal data will be pseudonymised.

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/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

2. 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).

- The collected literature will be documented via EndNote.
- The selection criteria that are used to select the interviewees as well as a list of persons who were contacted as (possible) interviewees will be recorded and stored.
- Information relating to the way the interviews are coded will be stored in NVivo.
- The keyfile is stored separately from the transcripts and is encrypted.

Will a metadata standard be used to make it easier to find and reuse the data? If so, please specify (where appropriate per dataset or data type) which metadata standard will be used. If not, please specify (where appropriate per dataset or data type) which metadata will be created to make the data easier to find and reuse.

- No
- No metadata standard will be used.
- Full bibliographic details will be kept for all published materials (EndNote). Unique identifiers will be used to ensure findability (such as DOI and ELI-codes).

3. Data storage & back-up during the research project

Where will the data be stored?

All data (collected documents and accompanying bibliography, as well as recorded, transcribed and coded interviews) will be stored in KU Leuven OneDrive for Business.

How will the data be backed up?

Automatic back-ups on KU Leuven OneDrive for Business.

Is there currently sufficient storage & backup capacity during the project? If yes, specify concisely. If no or insufficient storage or backup capacities are available, then explain how this will be taken care of.

- Yes

The size of the collected data will not exceed the maximum storage size on KU Leuven OneDrive for Business (2 TB).

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

Both digital personal and non-personal data are protected through multifactor authentication. Furthermore, personal data will be pseudonymised, which offers additional protection. The keyfile will be kept apart from the pseudonymised transcripts and will be encrypted.

Recordings of interviews will be deleted after being transcribed.

The researcher's computer is encrypted locked using BitLocker.

All physical data will be kept in a locked cabinet at the office of the researcher.

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

No additional costs are expected.

4. Data preservation after the end of the research project

Which data will be retained for at least five 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, in line with KU Leuven RDM policy, except for:

- The recordings of the interviews: these will be deleted after the transcription has been completed.
- Documents for which the long-term public availability is guaranteed: only full bibliographic details and unique identifiers will be kept for 10 years.

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

The data will be archived on KU Leuven OneDrive for Business.

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

No additional costs are expected.

5. Data sharing and reuse

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

- No (closed access)

Data collected during the interviews will not be shared due to privacy reasons.

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

/

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 in the comment section per dataset or data type where appropriate.

- Yes, Privacy aspects

Data collected during the interviews will not be shared due to privacy reasons.

Where will the data be made available? If already known, please provide a repository per dataset or data type.

/

When will the data be made available?

/

Which data usage licenses are you going to provide? If none, please explain why.

Not applicable

Do you intend to add a PID/DOI/accession number to your dataset(s)? If already available, you have the option to provide it in the comment section.

- No

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

Not applicable.

6. Responsibilities

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

The researcher to be appointed to this project, under supervision of the promotor of the project

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

The researcher to be appointed to this project, under supervision of the promotor of the project

Who will manage data preservation and sharing?

The researcher to be appointed to this project, under supervision of the promotor of the project

Who will update and implement this DMP?

The researcher to be appointed to this project, under supervision of the promotor of the project

.