

Seminar 4 Activity: Case Study on Privacy (700 words)

The ethical issues in this scenario revolve around balancing research objectives with privacy rights and data protection obligations.

- If Ricardo is not responsible for determining allowable access, should he release the names and addresses?

If Ricardo is not responsible for setting the required access, releasing names and addresses without proper authorisation would violate confidentiality protocols and data protection principles. Even if Beth's intentions are scientific, providing personally identifiable information (PII) without explicit consent or legal basis constitutes a breach of trust, as property tax records contain sensitive information collected for specific administrative purposes. Firstly, the UK Data Service emphasises that researchers must respect the "duty of confidentiality" unless participants' consent to disclosure or legal exceptions apply (UK Data Service, n.d.). Ricardo should therefore decline the request and refer Beth to the established protocols for accessing identifiable data, which likely require formal ethics committee approval and demonstrated compliance with GDPR principles like purpose limitation and data minimisation (Data Protection Commission, n.d.).

- 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?

If Ricardo were responsible for access decisions, he would face competing ethical decisions. On one hand, supporting valuable research aligns with the National Institutes of Health (NIH) principle of "social and clinical value" (NIH, 2016), particularly if Beth's study addresses public interest issues like housing equity or tax fairness.

However, he must rigorously assess whether the benefits outweigh the privacy risks, following the "favourable risk-benefit ratio" guideline. This requires verifying that Beth's institution has obtained Research Ethics Committee (REC) approval demonstrating proper informed consent procedures, data anonymisation methods, and security safeguards (UKRI, 2024). Ricardo should also consider whether the requested data can be pseudonymised rather than fully identified, as done in the Dubai property registry study where only one researcher handled raw PII. Generally, however, if Ricardo decided to grant access to Beth, he runs at risk of violating Commitment 2 of the Concordat to Support Research Integrity which requires researchers to "Maintain the highest standards of research integrity – expectations and compliance" (RICS, 2025), due to data mismanagement.

- 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?

The Records department must evaluate multiple ethical dimensions before releasing names. While observational research using existing records sometimes proceeds without consent under the "public interest" exemption, this applies primarily to anonymised datasets (ICO, 2023). Disclosing identities for unsolicited contact introduces new privacy risks, requiring adherence to the Economic and Social Research Council's (ESRC) "freely given informed consent" standards (UKRI, 2024). If the original property tax collection process did not include research consent clauses, the department faces an ethical dilemma between facilitating science and respecting data subject autonomy. A compromise approach might involve the department acting as intermediary, contacting property owners on Beth's behalf using approved messaging that allows opt-outs. However, this requires substantial administrative

resources and clear protocols to prevent coercion, particularly given power imbalances between government agencies and citizens.

- 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?

When faced with partial consent responses, Beth's options depend on the legal basis for data processing. If relying on public interest grounds under GDPR Article 6(1)(e) (2016), she could potentially use anonymised data from non-responders following ethical review. However, the NIH principles demand "respect for enrolled subjects" (Emanuel et al., 2000), meaning she must exclude all who explicitly deny permission. For the one-third non-responders, the UK Data Service framework prohibits assuming consent through silence (UK Data Service, n.d.).

Beth's validity claim highlights tensions between scientific rigor and ethical compliance – she might need to redesign the study using statistical methods that accommodate partial datasets or seek alternative data sources that do not require individual contact. Ultimately, proceeding without proper consent from all participants risks violating both research ethics norms and data protection laws, regardless of study requirements.

References:

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Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevance)' (2016) Official Journal L 119, 1-88. <http://data.europa.eu/eli/reg/2016/679/oj>

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