

Unit 4 - Seminar Preparation:

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?

Exercises:

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

No, Ricardo should not release the names and addresses without proper authorisation. Since he is not responsible for determining allowable access, he should consult the person who is responsible for handling such requests. This approach ensures compliance with established processes and protocols for managing sensitive data.

Ricardo's role as a records clerk involves handling sensitive information, and releasing names and addresses without authorisation could breach data privacy and confidentiality principles. The General Data Protection Regulation (GDPR) emphasises the importance of protecting personal data and ensuring that access is granted only to authorised personnel (European Parliament, 2016). Similarly, ethical guidelines in research data management stress the need to protect subjects' privacy and prevent data misuse (Australian Government, 2022).

Beth's request involves contacting individuals for further study, which requires informed consent. The GDPR and ethical research practices mandate that participants must be fully informed about how their data will be used and must provide explicit consent (European Parliament, 2016; Australian Government, 2022). Ricardo should ensure that any release of personal data aligns with these principles.

By involving the responsible person, Ricardo ensures accountability and transparency in the decision-making process. Ethical data governance emphasises the importance of clear policies and oversight mechanisms to prevent unauthorised data access (Paprica et al., 2023). This approach also aligns with best practices for responsible data use, which include recognising power dynamics and ensuring ethical oversight (Bassi and Alves-Souza, 2023).

Even if Ricardo were responsible for making this decision, he should adhere to the principle of data minimisation, collecting only the data necessary for specific purposes. This reduces privacy risks and aligns with legal and ethical standards

(European Parliament, 2016; Australian Government, 2022). Therefore, releasing names and addresses should be done only if absolutely necessary and with proper authorisation.

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?

In determining whether to grant Beth access to the names and addresses associated with the property tax records, Ricardo must consider several ethical issues, particularly those related to data privacy and protection. The General Data Protection Regulation (GDPR) is a crucial framework in this context, emphasising that personal data must be processed lawfully, fairly, and transparently, and only for the purposes for which it was collected (European Parliament, 2016). This principle of purpose limitation is central to GDPR compliance, ensuring that data is not used beyond its original intent without obtaining fresh consent from the individuals involved (European Parliament, 2016).

Ricardo should verify that Beth's request aligns with the original purpose for which the data was collected and that she has a lawful basis for accessing the additional information. This includes ensuring that Beth has obtained explicit consent from the individuals whose data she wishes to access, as required by GDPR for processing personal data (European Parliament, 2016). Furthermore, Ricardo must assess whether Beth's use of the data could potentially harm the individuals involved or lead

to reputational damage for the local government if the data is mishandled or made public (Mantelero, 2014).

Another critical ethical consideration is the principle of data minimisation, which dictates that only the minimum amount of data necessary for the intended purpose should be collected and processed (European Parliament, 2016). Ricardo should evaluate whether Beth genuinely needs the names and addresses to achieve her research objectives and whether there are alternative methods that could achieve the same goals with less personal data.

Additionally, Ricardo must ensure that appropriate security measures are in place to protect the data from unauthorised access or breaches. This includes implementing robust encryption and access controls to safeguard sensitive information during storage and transmission (European Parliament, 2016). The risk of data breaches and confidentiality violations is significant, and organisations must take proactive steps to mitigate these risks through regular risk assessments and security audits (Madden, 2014; OECD, 2019).

Finally, Ricardo should consider the broader ethical implications of data sharing, including issues of fairness, transparency, and accountability. Ensuring that data practices are transparent and that individuals have control over their personal information is essential for maintaining trust and upholding ethical standards in data management (Adekugbe and Ibeh, 2024; Mantelero, 2014).

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?

Firstly, privacy and confidentiality are paramount when handling personal data. The release of names and addresses would compromise these principles, as it involves sensitive information that could identify individuals (Eurostat, n.d.). According to the General Data Protection Regulation (GDPR), personal data must be processed fairly and lawfully, with transparency and consent from the data subjects (European Parliament, 2016). Beth's request for names and addresses to contact individuals directly would require explicit consent from those individuals, which is not mentioned in the scenario.

Secondly, informed consent is a cornerstone of ethical research practices. Participants must be fully informed about how their data will be used and must provide explicit consent for such use (European Parliament, 2016). In this case, the individuals whose data Beth wishes to access have not given consent for their personal information to be shared or used for further study. Without this consent, releasing their names and addresses would be unethical and potentially illegal under data protection laws (Chiruvella and Guddati, 2021).

Thirdly, data protection laws impose strict obligations on data controllers to protect personal data. The GDPR requires that personal data be processed only for specified purposes and not further processed in a manner incompatible with those purposes (European Parliament, 2021). The Records department, as a data controller, must

ensure that personal data is not disclosed to unauthorised parties without a lawful basis, such as consent or a legal obligation (Becker et al., 2024).

Lastly, anonymisation and pseudonymisation are strategies used to protect privacy while facilitating research. However, these methods may not always be effective, especially if the data can be linked with other datasets to re-identify individuals (Langarizadeh et al., 2018). In Beth's case, even if the numerical data is anonymised, linking it with names and addresses could potentially re-identify individuals, raising significant privacy concerns (Gadotti et al., 2024).

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?

In this scenario, several ethical issues arise, particularly concerning data privacy and informed consent. Beth's request for names and addresses to contact individuals for further study raises concerns about privacy and the potential for re-identification of de-identified data. This is a common challenge in data sharing, where even de-identified data can sometimes be linked back to individuals, especially when combined with other datasets (European Parliament, 2016; Langarizadeh et al., 2018; Gadotti et al., 2024). Beth's decision to contact individuals for permission is a step towards obtaining informed consent, which is a cornerstone of ethical research practices (European Parliament, 2016). However, the response rate of one-third granting permission, one-third denying, and one-third not responding presents a

dilemma. Beth claims that at least half of the individuals need to consent to make the study valid.

Given this situation, Beth has several options. She could not conduct the study. If Beth requires at least half of the individuals to consent and only receives approval from one-third, she may choose not to proceed with the study. This decision aligns with ethical principles that prioritise participant consent and privacy (Ohmann et al., 2017). Beth could also send reminders to the one-third of individuals who did not respond, hoping to increase the number of consents. However, she must ensure that these reminders do not coerce participants into responding because it is crucial to respect the autonomy of those who choose not to respond, as their silence could be interpreted as a refusal to participate (Grady, 2015). Additionally, Beth might explore alternative research methods that do not require direct contact with individuals. For instance, using aggregated data could help maintain privacy while still achieving research goals (Jacob, 2016).

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