

# GDPR and research data

Supplementary for the paper *"Transparency of CHI Research Artifacts: Results of a Self-Reported Survey"*  
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The following analysis of GDPR statement about research data was compiled by the authors involving the Department of Data Protection at the University of Zurich. The statement below does not constitute legal advice as none of the authors are qualified as such. They are merely a presentation of relevant laws. Below, the **bold** typeface is added by the authors of this supplementary material.

## If your data is anonymized, GDPR does not apply.

The GDPR does not apply to anonymous information [[Recital 26 of the GDPR](#)]

- 1 The principles of data protection should apply to any information concerning an identified or identifiable natural person.
- 2 Personal data which have undergone pseudonymisation, which could be attributed to a natural person by the use of additional information should be considered to be information on an identifiable natural person.
- 3 To determine whether a natural person is identifiable, account should be taken of all the means reasonably likely to be used, such as singling out, either by the controller or by another person to identify the natural person directly or indirectly.
- 4 To ascertain whether means are reasonably likely to be used to identify the natural person, account should be taken of all objective factors, such as the costs of and the amount of time required for identification, taking into consideration the available technology at the time of the processing and technological developments.
- 5 **The principles of data protection should therefore not apply to anonymous information, namely information which does not relate to an identified or identifiable natural person or to personal data rendered anonymous in such a manner that the data subject is not or no longer identifiable.**
- 6 This Regulation does not therefore concern the processing of such anonymous information, including for statistical or research purposes.

## For research purposes, GDPR provide privileges

[Recital 159 of the GDPR](#):

- 1 Where personal data are processed for scientific research purposes, this Regulation should also apply to that processing.
- 2 For the purposes of this Regulation, the processing of personal data for scientific research purposes should be interpreted in a broad manner including for example technological development and demonstration, fundamental research, applied research and privately funded research.
- 3 In addition, **it should take into account the Union's objective under Article 179(1) TFEU** of achieving a European Research Area.
- 4 Scientific research purposes should also include studies conducted in the public interest in the area of public health.

5 To meet the specificities of processing personal data for scientific research purposes, specific conditions should apply in particular as regards the publication or otherwise disclosure of personal data in the context of scientific research purposes.

6 If the result of scientific research in particular in the health context gives reason for further measures in the interest of the data subject, the general rules of this Regulation should apply in view of those measures.

[Art. 179 \(1\) of the Treaty on the Functioning of the EU \(TFEU\):](#)

Art. 179 (1): “The Union shall have the objective of strengthening its scientific and technological bases by achieving a European research area in which researchers, scientific knowledge and technology circulate freely, and encouraging it to become more competitive, including in its industry, while promoting all the research activities deemed necessary by virtue of other Chapters of the Treaties.”

## What are data and processing?

[Art. 4 \(1\) and \(2\)](#)

(1) ‘personal data’ means any information relating to an identified or identifiable natural person (‘data subject’); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;

(2) ‘processing’ means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;

Therefore, the privilege regulated in [Art. 5 \(1\) b](#) for scientific research does not categorically exclude sharing raw data.

1. Personal data shall be:

[...]

(b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall, in accordance with Article 89(1), not be considered to be incompatible with the initial purposes (‘purpose limitation’);

[Article 89 \(1\) and \(2\)](#)

(1) <sup>1</sup>Processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes, shall be subject to appropriate safeguards, in accordance with this Regulation, for the rights and freedoms of the data subject. <sup>2</sup>Those **safeguards shall ensure that technical and organisational measures are in place in particular in order to ensure respect for the principle of data minimisation.** <sup>3</sup>Those measures may include pseudonymisation provided that those purposes can be fulfilled in that manner. <sup>4</sup>Where those purposes can be fulfilled by further processing which does not

permit or no longer permits the identification of data subjects, those purposes shall be fulfilled in that manner.

(2) **Where personal data are processed for scientific or historical research purposes** or statistical purposes, **Union or Member State law may provide for derogations** from the rights referred to in Articles 15, 16, 18 and 21 subject to the conditions and safeguards referred to in paragraph 1 of this Article in so far as such rights are likely to render impossible or seriously impair the achievement of the specific purposes, and such derogations are necessary for the fulfilment of those purposes.