



Declaration of consent within the scope of research projects according to DSGVO.

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Declaration of consent in the context of research projects in accordance with the GDPR.

Requirements for the use of this document:

- ✓ Data collection is based solely on the consent of the data subject(s) (Art. 6 (1) 1 a) DSGVO). If there is a legal permission for processing, obtaining consent should generally be refrained from, since with revocation of consent, processing based on the legal permission would violate good faith (Art. 5 (1) a) DSGVO).
- ✓ The data is mainly collected directly from/by the data subject (Art. 13 DSGVO).

Usage notices:

- Blue italic text contains notices
- Blue italic text in square brackets [] indicates a factual requirement to be checked.
- Text with silver background indicates text to be customized or contains text modules that may need to be customized.

Special Circumstances:

a) Publication of personal data processed for research or statistical purposes:

In principle, it is assumed that no publication of this data takes place. According to Section 17 (4) DSG NRW, publication is possible by way of exception if

1. the data subject has consented, or
2. this is necessary for the presentation of research results or those about events in contemporary history and the public interest significantly outweighs the interests of the person concerned that are worthy of protection.

b) Regarding consent for minors:

In general, parental consent should be obtained from participants under the age of 18. The GDPR does allow a limit of 16 years in Art. 8. However, this regulation explicitly refers only to information society services (Internet services). Online questionnaires are not to be classified as "information society services" within the meaning of Art. 8 GDPR.

A concrete definition for research projects does not exist, which is why the safest solution is an age limit of 18 years for one's own consent. In the literature, consent at lower ages is discussed, but then an individual privacy policy tailored to children/youth is also necessary. Especially when special categories of personal data are processed, it cannot always be assumed that the scope and sensitivity of the data can be fully grasped by persons under 18.

c) Use of messengers/apps/cloud and survey services:

It should be noted here that there will often be a transfer outside the EU when using certain services. The relevant sections in the following sample declaration should therefore be used.

d) Information about third parties (e.g., survey about parental parenting style)

If surveys also request data from third parties in such a way that they are directly or indirectly identifiable, it must be clarified whether this information falls under a research privilege or whether consent is also required from these individuals.

Participant Information

[Project name]

Thank you for your interest in our research project. In the following, we inform you about the processing of your personal data / your child's personal data within the framework of [the project(s) - project name]. We kindly ask you to read the document carefully and - if you agree to all points of the data processing - to give us your consent to the data processing by signing / clicking on the OK button at the end of the document.

Your participation in this research project is voluntary. You may withdraw your consent at any time informally [a formal requirement may also be specified here. However, this must not be stricter than the form for the consent itself] at one of the contact options given below. We will then cease data processing immediately upon receipt of your notification. Please note, however, that the permissibility of data processing pursuant to Article 6 (1) (a) DSGVO remains unaffected by this until the time of receipt of your revocation and all previously obtained and anonymized data may continue to be processed by us by cleaning up the personal reference.

The following categories of data from you / your child will be processed:

Option 1: The information requested in the attached questionnaire. No other information will be collected and processed beyond this [If the research is based solely on the information provided in a questionnaire].

Option 2: The information requested in the attached questionnaire. In addition, during the course of the project, further interviews/investigations will be conducted in which the following information/characteristics of you/your child will be collected and processed [If a research project initially starts with a questionnaire, but in the further course further personal data will be collected and processed through interviews or investigations]:

Listing of information/characteristics....

Option 3: Listing of information/characteristics.... [If a reference to a structured data query (e.g. questionnaire) is not possible, the data / data categories must be listed individually here].

Only if special categories of personal data according to Art. 9 (1) DSGVO are processed (data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, as well as the processing of genetic data, biometric data uniquely identifying a person, health data or data concerning sex life or sexual orientation):

The processing of your/your child's data concerns the following personal data that are particularly sensitive as special categories:

[list the specific categories of data processed that belong to the special category].

With your consent, you explicitly agree to the processing of these data.

For the following purposes and in the following manner your data /your child's data will be processed:

In the context of the research project "Title", your data / your child's data will be used to determine... / to determine the effects of... [Here the purpose of the processing in the context of the specific research project must be described as precisely as possible].

For this purpose / these purposes, the data will be collected and processed as follows:

...

A description as detailed as possible of how the data will be collected and processed in the context of the research project is required, in particular:

How will the data be collected?

Text modules:

Your personal data/your child's personal data will be collected on paper using the attached questionnaire and then electronically recorded in the research database. [If so applicable.]

Your personal data/your child's personal data will be collected using the online query tool ... and recorded in the research database. [If so applicable]

Surveys / research will be conducted based on the information collected in the research database. The results of the interviews / investigations /and the sample material obtained in the process are also recorded in the research database. [If not only the initially collected data are used, but further information/samples with personal reference are collected in the course of the project].

Furthermore, data/information related to you/your child will be collected/obtained from third parties. These are:

Name of the organization, address, categories of data collected there.

...

By giving your consent, you agree to the collection of this information. If the respective body is subject to professional secrecy (e.g. doctor, therapist, etc.), you release them from their legal duty of confidentiality at the same time. Your consent in this regard can be revoked separately at any time. Revocation will result in exclusion from the study/has no effect on your participation/your child's participation in the study. [Only if data are collected from third parties]

Data will be collected about you/your child from the following public sources:

E.g. public profile on Facebook

...

By giving your consent, you agree to the collection and further storage and processing within the scope of the research project. Your consent in this regard can be revoked separately at any time. Withdrawal will result in exclusion from the study/have no effect on your participation/your child's participation in the study. [If data are taken from public sources.]

Am I required to participate?

Your participation in this research project is voluntary. However, if you do not wish to provide the information requested, you cannot participate. If you do not participate in the project, you will not be harmed. Your child can also discontinue participation in the study at any time, even if effective parental consent has been obtained.

How will the collected data be further processed? Will they be pseudonymized or even anonymized beforehand?

Text modules:

The data collected from you/your child will be anonymized immediately after collection, so that the reference to your/your child's person could not be established or only with disproportionate effort. The anonymization is achieved by....[This text module may only be used if the person concerned can no longer be identified from the remaining data or identification would only be possible theoretically with immense effort].

The data collected from you/your child will be pseudonymized immediately after collection by replacing your name/your child's name with another characteristic. A clear assignment of the data to your person/your child's person is thus in principle only possible for someone who has access to the assignment of the pseudonyms. The restricted access to the assignment of the pseudonyms is ensured by ... [Description of how the pseudonyms are protected and under which conditions de-pseudonymization may take place. It must be listed who has access to the assignment list and in which facility it is stored securely]. Data pseudonymized in this way will be processed to ... [Describe as precisely as possible how and for what purpose the data will be handled as part of the research project] [For cases where neither anonymization nor pseudonymization is used]: The personal data collected from you/your child will be processed in order to ... [Describe as precisely as possible how the data will be handled as part of the research project].

Will the data be shared with or transferred to other research partners or a processor? If yes, which research partners/processors are these and which data do they receive?

Text blocks if no third parties are involved:

Your data/your child's data will not be shared with or transferred to any other entity. [Only if the data is not shared with any other entity].

There is no commissioned processing of your data/your child's data. [Only if no other entity or service provider is contracted to perform processing operations. No commissioned processing is independently provided ancillary services that do not directly relate to the processing of the data, such as telecommunications connection, postal services, air conditioning maintenance, cleaning service].

The following are text modules for cases involving third parties:

Shared responsibility:

Your data/your child's data is processed by the following entities as joint controllers:

Name, address for service of person/organization.

...

...

The main contents of the contractual agreement between the joint controllers are:

Central contact for data protection issues: ... [organization, contact person, contact details].

Responsible for the security of processing and the definition of technical and organizational security measures: ...

Responsible for the implementation of data subject rights: ...

Responsible for the notification of reportable data protection incidents: ...

Engaging contractors and supervising them: ...

Data protection compliance of transfers to third countries: ...

Exit management upon termination of the research project: ...

[In the case of processing as joint controllers, several entities process personal data jointly in such a way that all partners decide jointly on the purposes and the means used in doing so. No joint responsibility but a commissioned processing exists if one body decides and the other body subordinates to it. Likewise, there is no joint responsibility but transfer to a sole controller if the other body can decide on the processing itself but there is no common purpose with the transferring/sharing body. Joint processing occurs quite often in research when multiple organizations conduct research together using a data set].

Processor:

The following external service providers are involved in the processing of your/your child's data, and the responsibility for the processing remains with us:

... [name, addressable address of the person/organization, activity] or naming of the categories, such as operator of the questionnaire platform, if the exact designation is difficult due to possible changes during the project

...

...

[Commissioned processing is assumed if the third party involved may only process the data in accordance with instructions. The service must relate to the processing of personal data (e.g. storage and further processing in a database system, pseudonymization or anonymization of data by an external service provider). No commissioned processing but an ancillary service exists if the service of the external party does not relate to the personal data (for examples see above)].

Transfer to a solely responsible third party:

Your data/your child's data are transferred on the basis of your consent/the legal basis from ... [Here, specify the legal basis on the basis of which the transfer takes place] to the following entities, which further process them on their own responsibility:

Name, summonable address of the person/organization.

...

...

Optional: The data is transferred in pseudonymized form, so that the recipient of the data cannot generally assign it to you/your child. [This applies in the case of pseudonymization, where the assignment of the pseudonym to the person is still possible. In the case of effectively anonymized data, consent is already no longer required. However, this then requires that the persons are practically no longer identifiable].

For the case of consent to the transfer (there is no legal basis) additionally:

The transfer to the named recipients takes place for the purpose of ... [here please describe the purposes of the transfer to the third party, e.g. further use for another explicitly named research purpose].

You can also revoke your consent to the transfer of your data/your child's data separately at any time.

However, the revocation only takes effect from the time of the revocation, so that transfers that took place previously do not affect the permissibility of the processing that took place until the revocation.

With the revocation, we will request the recipient of the data to delete your data/your child's data, provided that there are no obstacles to deletion. Likewise, no deletion will take place if your data/your child's data has already been anonymized. [This option only exists if the entity in question has sole responsibility (otherwise commissioned processing) and sole authority (otherwise joint responsibility) to decide on the processing].

Are any of the research partners/contractors located in a third country outside the EU/EEA? If yes, which partner is this and in which third country is the data processed?

There is no processing in a third country (country outside the EU/EEA). [There is no transfer or sharing of personal data with an entity outside the EU/EEA. This must also be observed in the case of service providers used if the data is thereby transferred to a third country, e.g. survey tools from providers in the USA or providers of cloud services who cannot guarantee exclusive processing in data centers within the EU].

There is processing of your/your child's data by the following research partners/contractors in a third country (country outside the EU/EEA):

... [name, address of person/organization, third country, task as research partner/contractor]. The lawfulness of the transfer to the ... [name third country] results from:

Adequacy Decision: An adequacy decision of the European Commission is available for the ... [name third country here]. [For USA only:] The adequacy decision requires that the recipient is Privacy Shield certified in the USA. The certification of ... [name recipient here] can be found in the public list of certified organizations at URL: <https://www.privacyshield.gov/> . [For Canada only:] The adequacy decision is limited to data processing operations subject to the Personal Information Protection and Electronic Documents Act. This is the case for processing at ... [name recipient here].

Standard contractual clause: A copy of the standard contractual clause is available upon request from ... [name an internal body] [Only if a corresponding standard contract has been concluded with the recipient in the third country

<https://eur-lex.europa.eu/legal-content/DE/TXT/?qid=1487055654356&uri=CELEX:32010D0087>].

Individual contractual assurance of adequate protection [Please select only with the involvement of the legal department].

Consent [Attention, there are separate legal requirements, for this consent please use the separate consent form in the appendix if consent is selected as the legal basis here]

Should personal research data be published in accordance with Section 17 (4) DSG NRW as part of the presentation of research results?

Text modules

If no:

The presentation of the research results will only be done with anonymous data, so that neither directly nor indirectly your person/the person of your child is recognizable from the published data.

If yes:

The personal data ... [name the data here if not all data are required] of you/your child processed as part of the research project will be published to present the research results. Since the research results cannot be presented in any other form and the public interest in the publication of the research results

cannot be realized even by obtaining the consent of all participants, the public interest significantly outweighs your/your child's interests worthy of protection, so that the publication is permissible in accordance with Section 17 (4) No. 2 of the NRW Data Protection Act. [Attention: Consent is the normal case! This text module can only be considered if (1.) the research results cannot be presented in any other way, (2.) consent is not an appropriate means, and (3.) the public interest significantly outweighs the possibly conflicting rights. If this text module is chosen, these conditions must be justifiably present!]

I consent that the personal data ... [name the data here if not all data are required] of me/my child processed in the context of the research project are published in the context of the publication of the research results. I am aware that I can revoke this consent at any time, also separately to other consents given. However, the revocation will only take effect from the time of the revocation, so that transfers made previously will not affect the permissibility of the processing that took place until the revocation. With the revocation, we will - as far as possible - request recipients of the data to delete your data/your child's data, provided that there are no obstacles to deletion. However, if the data is published, effective deletion from recipients is only possible to a very limited extent because the data usually spreads uncontrollably once it has been published. You should therefore already take this into account when deciding whether to give your consent. [This is the normal case see above].

What happens to the data after the end of the research project? When will the data be permanently deleted?

Text modules

After the end of the research project [and after the retention period of XX months/years], your personal data/your child's personal data will be permanently deleted through appropriate technical and organizational measures.

Your data/your child's data will be anonymized after the end of the research project and further processed for research/statistical [or other] purposes. Due to the anonymization of the data, it is practically no longer possible to draw conclusions about you/your child's person.

[Always indicate - rights of the persons concerned]:

You have the following rights vis-à-vis the person responsible for this project in connection with data processing:

- Right to withdraw consent (Art. 7(3) DSGVO): You have the right to withdraw your consent at any time with effect for the future. However, the revocation only takes effect from the time of the revocation, so that the data processing carried out until then remains permissible.
- Right to information (Art. 15 DSGVO): You have the right to obtain information from us about what data we process about you/your child.
- Right to rectification (Art. 16 DSGVO): If the data concerning you is incorrect or incomplete, you may request that incorrect information be corrected or that incomplete information be completed.
- Right to erasure (Art. 17 DSGVO): You can request the erasure of your data/your child's data at any time.
- Right to restriction of processing (Art. 18 DSGVO): You may request the restriction of the processing of personal data concerning you/your child.

- Right to data portability (Art. 20 DSGVO): You have the right to receive the personal data concerning you/your child that you have provided to us in a structured, commonly used and machine-readable format.
- Right to object (Art. 21 DSGVO): You may object at any time to the processing of personal data concerning you/your child.
- Right to lodge a complaint with a supervisory authority (Art. 77 DSGVO): You have the right to lodge a complaint with the competent supervisory authority.

This is for University X (in NRW):

State Commissioner for Data Protection and Freedom of Information

North Rhine-Westphalia

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40102 Düsseldorf

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E-mail: poststelle@ldi.nrw.de

Person responsible: ...

[Responsible person - name of institution, legal representation, address].

E-mail: ...

[telephone number or other means of contact, if applicable]

Data protection officer(s) ...

E-mail: ...

[telephone number or other means of contact, if applicable]

Being aware of the aforementioned information, I consent to the processing of my personal data/my child's personal data. With regard to additional consents, I consent to the processing insofar as I have activated the respective checkboxes in the information text. [checkbox or signature]

Appendix 1: Consent to transfer to a third country.

[To be used only if data is transferred to a third country outside the EU/EEA and if no other legal basis than consent can be considered. Priority should always be given to checking whether an adequacy decision exists or whether adequate protection can be ensured with the relevant organization in the third country by concluding standard contractual clauses].

For the transfer to the following recipients in a third country, there is neither permission based on an adequacy decision nor on appropriate safeguards by the recipient in the third country. These are the following recipients in the following third countries:

[name/company/organization, address, third country, data transferred there]

[...]

I consent to the transfer to the above recipients outside the EU/EEA even without an adequacy decision and appropriate safeguards from the recipient, and I am aware of the following risks in doing so:

In third countries outside the scope of the GDPR and without an existing adequacy decision, there is generally no or at least no comparable legal protection of personal data. This may give rise to the following risks:

Your personal data may be stored, used, transferred, published or otherwise processed in the third country without any legal restrictions and without any possibility to control or influence this.

Private parties may then be able to work with your personal data as they wish and create personal profiles including behavior and habits. This may result in disadvantages for you, e.g. you may not be able to use certain services due to your profile or you may be disadvantaged in some other way.

Police, authorities and secret services may be able to access personal data without any significant legal requirements. This applies not only to more or less justified queries for security and law enforcement purposes. If necessary, the data may also be used for personal profiling. This may be done not only for law enforcement or security purposes, but also to identify undesirable behavior and/or as a basis for automated decisions for public authorities and private individuals. There is a risk of adverse decisions based on the profile obtained, which may be made without regard to your individual situation.

In third countries, there may be no or no comparable data processing principles. This may give rise to the following risks:

There may be no quantitative or qualitative limitations with regard to the necessity for the respective task fulfillment. On the one hand, there is therefore a risk that more of your data will be processed than is absolutely necessary. On the other hand, there is the possibility that your data will be processed beyond the mere fulfillment of the task (e.g., to satisfy a mere subjective interest).

Likewise, the absence of a purpose limitation is possible, so that the data once obtained from you may simply be used for other purposes without any legal limitation, without you having to be asked beforehand or without any possibilities of intervention.

If applicable, there are no or no sufficient legal requirements for the security of the processing of personal data. In particular, there is a risk that, due to inadequate security measures, your personal data may come to the attention of unauthorized persons, with corresponding economic (e.g. credit card data) or personal risks (e.g. loss of reputation). In addition, there is a risk that your data may be destroyed or otherwise irretrievably lost due to inadequate security measures.

If applicable, there are no or significantly fewer data subject rights. This may mean for you:

There may be no or only a very limited right to information from the processor. In this case, the processor may refuse to provide information or make it dependent on a fee. In addition, if there is no legal obligation to provide correct information, there is no guarantee of the accuracy and completeness of the data, because the processor does not have to fear any legal sanctions.

There may be no rights of intervention against the processor. Even if you receive information from the processor, this does not mean that you can use this knowledge to influence the processing of your data. Important rights of intervention are, in particular, the claims for correction, completion or deletion of your personal data. Without these rights of intervention, there is thus a risk that you will have to stand idly by and watch processing that is not or not as intended, because there is no legal means to oppose it.

Deficiencies in the enforceability of fundamental rights protection due to the lack of regulatory oversight and/or judicial or administrative remedies in the respective third country.

Where applicable, there is no supervisory authority in the relevant third country that supervises a processing of personal data with appropriate sanctions and to which data subjects can turn to protect their rights.

If applicable, there is also no possibility for judicial legal protection against the processing of your personal data in the respective third country.

I consent to the aforementioned processing of my data. I am aware that I can revoke this consent at any time without giving reasons and without observing any form at the following office:

[specify responsible person, address, e-mail, telephone].

I am aware that revocation of my consent will not affect the lawfulness of the processing for the period between the granting of consent and the time of revocation. The lawfulness based on the consent therefore only ceases to apply from the time of the revocation. I am aware that with the revocation, further participation in the research project is no longer possible.

Place, Date

Signature: