Second Round of Delphi Study

Welcome to Delphi Round 2

In this round, we intend to review the PTPs with the primary objective of assessing the level of agreement and importance of those where we were unable to reach a strong consensus in the first round. In addition, we would like to ask you some general questions regarding the DPIA. This is done in order to devote the third round to the DPIA and the improvements we consider necessary to address the PTPs in Big Data Analytics.

 As described in our analysis in the [Round 1 feedback report](#), we have defined all four conditions based on which we have defined three consensus types: **Strong consensus**, when all four conditions are met   **Almost strong consensus**, when a single condition is not met   **No consensus**, when more than a single condition is not met
For additional information including our analysis reports, please visit our [website](#), where we post regular updates to all participants. The password for the protected pages is "delphi2022"

If you have any questions or need additional support, please feel always free to contact me at: georgios.georgiadis@ugent.be.

If you have questions regarding our survey, you may post them on our [website](#). If you believe any of the questions need further clarification, please let us know.
   Important notice: Each hyperlink opens a new window in your browser. We are doing this to prevent you from losing your session on this website, which may result in having to repeat the survey. We apologise for any inconvenience caused by this.

Thank you again for your understanding and support.

PTPs level of Agreement

As we have not yet reached consensus, we would ask you to reconsider your position on the PTPs for which we have received almost strong consensus or no consensus at all. As described in Round 1 feedback report in our website, we have achieved strong positive consensus for PTP(2) and PTP(3), which concern the identification of individuals from derived data and discrimination issues affecting moral or material personal matters, respectively.

Please indicate the extent to which you agree with the statements, drawing on your specific expertise and experience in this area. Before doing so, we strongly recommend that you to read the arguments of the other participants in the Round 1 feedback report.

Because your opinion is very important to us, we are again asking for your feedback on each of the individual PTPs. Please let us know if the comments of other participants have influenced your decision to make any of the changes you have made.

PTP (1) Unclear data controllership

Please indicate to what extent you agree that it is often difficult to understand and comply with data protection requirements among data controllers when it comes to Big Data analytics

○ Strongly disagree   ○ Disagree   ○ Neither agree nor disagree   ○ Agree   ○ Strongly agree

Can you give some reasons why you agree or disagree?

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PTP (4) Lack of transparency

Please indicate to what extent you agree there are risks of non-transparency (violation of transparency) and intervenability (control over how personal data is being processed by information systems) when dealing with Big Data Analytics

○ Strongly disagree ○ Disagree ○ Neither agree nor disagree ○ Agree ○ Strongly agree

Can you give some reasons why you agree or disagree?

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PTP (5) Increased scope leading to further processing incompatible with the initial purpose

Please indicate to what extent you agree that Big Data Analytics solutions can reveal a wealth of sensitive information about an individual that has nothing to do with what was originally intended when data was collected

○ Strongly disagree   ○ Disagree   ○ Neither agree nor disagree   ○ Agree   ○ Strongly agree

Can you give some reasons why you agree or disagree?

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PTP (6) Improper treatment of different types of privacy risks and data breaches

Please indicate to what extent you agree that Big Data Analytics solutions could lead to different types of privacy risks and data protection breaches

○ Strongly disagree   ○ Disagree   ○ Neither agree nor disagree   ○ Agree   ○ Strongly agree

Can you give some reasons why you agree or disagree?

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PTP (7) Limited range of stakeholders' involvement

Please indicate to what extent you agree that it is necessary to include in the data protection impact assessment external (to the organisation) stakeholders whose data is predominantly processed in the context of Big Data Analytics solution

○ Strongly disagree   ○ Disagree   ○ Neither agree nor disagree   ○ Agree   ○ Strongly agree

Can you give some reasons why you agree or disagree?

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PTP (8) Practical issues due to procedural vagueness

Please indicate to what extent you agree that existing PIA or DPIA methodologies do not provide sufficient practical guidance for assessing the privacy or data protection risks in Big Data Analytics operations

○ Strongly disagree   ○ Disagree   ○ Neither agree nor disagree   ○ Agree   ○ Strongly agree

Can you give some reasons why you agree or disagree?

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PTP (9) Treatment of indirect privacy harms

Please indicate to what extent you agree that indirect harms such as those related to societal and ethical concerns should also be taken into account when assessing the protection risks of Big Data analytics in the data protection impact assessment

○ Strongly disagree   ○ Disagree   ○ Neither agree nor disagree   ○ Agree   ○ Strongly agree

Can you give some reasons why you agree or disagree?

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PTPs Level of Importance

We would like to hear your opinion once again on the importance of the nine PTPs. By importance, we mean their significance for inclusion in the DPIA which applies to Big Data Analytics. You may recall from our data analysis that we have obtained almost strong positive consensus for PTP(1) and PTP (3), while there is still no consensus for the remaining PTPs

Following your suggestions from the first round, we have made three changes: the scale has been modified to include the following options: **not important, somewhat important,**

moderately important, important and very important; descriptions of two of the PTPs has been reworded and; we ask you to provide us with an explanation of your reasoning so that we can better understand your decision. We will use this information when developing the questionnaire for the third round.

PTP (1) Unclear data controllership

Please indicate the extent to which you think it is important to understand and comply with data protection requirements among data controllers when it comes to Big Data analytics

○ Not important   ○ Important   ○ Moderately important   ○ Important   ○ Very important

Are there any particular reasons why you chose this level of importance?

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PTP (2) Identification of individuals from derived data

Please indicate to what extent you consider it is important knowing that Big Data analytics techniques allow inferences to be made about undisclosed information that could be used to identify an individual, thus facilitating re-identification

○ Not important   ○ Important   ○ Moderately important   ○ Important   ○ Very important

Are there any particular reasons why you chose this level of importance?

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PTP (3) Discrimination issues affecting moral or material personal matters

Please indicate to what extent you consider the risk of statistical discrimination or "data determinism" to be important

○ Not important   ○ Important   ○ Moderately important   ○ Important   ○ Very important

Are there any particular reasons why you chose this level of importance?

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PTP (4) Lack of transparency

Please indicate to what extent you consider the risks of non-transparency (violation of transparency) and intervenability (control over how personal data is processed by information systems) to be important when dealing with Big Data Analytics

◯ Not important	◯ Important	◯ Moderately important	◯ Important	◯ Very important

Are there any particular reasons why you chose this level of importance?

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PTP (5) Increased scope leading to further processing incompatible with the initial purpose

Please indicate to what extent you consider it important that Big Data analytics solutions can reveal a wealth of sensitive information about an individual that has nothing to do with what was originally intended when the data was collected

◯ Not important	◯ Important	◯ Moderately important	◯ Important	◯ Very important

Are there any particular reasons why you chose this level of importance?

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PTP (6) Improper treatment of different types of privacy risks and data breaches

Please indicate to what extent you consider it important that Big Data Analytics solutions could lead to different types of privacy risks and data protection breaches

○ Not important   ○ Important   ○ Moderately important   ○ Important   ○ Very important

Are there any particular reasons why you chose this level of importance?

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PTP (7) Limited range of stakeholders' involvement

Please indicate to what extent you consider it important to include in the data protection impact assessment also external (to the organisation) stakeholders whose data are predominantly processed in the context of a Big Data Analytics solution

○ Not important ○ Important ○ Moderately important ○ Important ○ Very important

Are there any particular reasons why you chose this level of importance?

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PTP (8) Practical issues due to procedural vagueness

Please indicate to what extent you consider important that existing PIA or DPIA methodologies do not provide sufficient practical guidance for assessing privacy or data protection risks in Big Data Analytics operations

○ Not important ○ Important ○ Moderately important ○ Important ○ Very important

Are there any particular reasons why you chose this level of importance?

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PTP (9) Treatment of indirect privacy harms

Please indicate to what extent you consider important indirect harms such as those related to societal and ethical concerns, so that these can also be taken into account when assessing the protection risks of Big Data analytics in the data protection impact assessment

○ Not important   ○ Important   ○ Moderately important   ○ Important   ○ Very important

Are there any particular reasons why you chose this level of importance?

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DPIA Process for Big Data Analytics

We would now like to ask you some generic questions about the overall DPIA process.

Since there are many terms in the literature describing basically the same concepts, we will extensively utilise the impact assessment model developed by VUB's Brussels Laboratory for Data Protection and Privacy Impact Assessment (d.pia.lab) and presented in one of its articles [ref1] accessible via this link. While conducting the systematic literature review for our journal article, we were delighted to come across it because it confirmed a number of our conclusions regarding the gaps in the DPIA process.

Schematically, the model consists of ten high-level concepts and their associations, which together form what is known as the DPIA process. They can be seen in the image in the link below.

DPIA Concept Model

The **Framework** presenting the overall impact assessment architecture is governed by a **Policy**, which describes the applicable **Condition(s)** and **Principle(s)**. [ref2]'s authors have compiled a comprehensive list of 16 conditions and principles that can be applied to any type of impact assessment. You can find the list at this link.
Practically, the **Framework** is accompanied by a **Method** that is shaped by the **Policy**, assisted by **Templates** and complemented by different **Guidelines** such as the **Knowledge Base(s)**, **Software tool(s)** and **Guideline(s)**. Some of the **Guidelines** are also used to explain the purpose and use of the **Template(s)** in the assessment process. An example of a **Template** is the documentation which is used throughout the DPIA process and can be made available to the public or presented during inspections upon request.

References
[ref1] Dariusz, Kloza, an Dijk, Niels, Casiraghi, Simone., Vazquez Maymir, S., Roda, S., Tanas, A., & Konstantinou, I. (2019). Towards a method for data protection impact assessment: Making sense of GDPR requirements. 8. https://doi.org/10.31228/osf.io/es8bm

[ref2] Dariusz, Kloza, Van Dijk, Niels, Casiraghi, Simone, Vazquez Maymir, Sergi, & Tana, Alessia. (2021). The concept of impact assessment. In Border Control and New Technologies.

In a scenario where we are conducting a DPIA for Big Data Analytics, and considering the entities (concepts) briefly presented in the model above, which of these entities would you consider a priority for change or improvement? For example, one reason could be that you think they are not detailed enough, etc.

	Not a priority	Low priority	Medium priority	High priority	Essential
Conditions	○	○	○	○	○
Guidelines	○	○	○	○	○
Knowledge Base	○	○	○	○	○
Method	○	○	○	○	○
Policy	○	○	○	○	○
Principles	○	○	○	○	○
Software	○	○	○	○	○
Templates	○	○	○	○	○

Could you please explain the reasons for selecting these priorities?

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In this question, we are not referring to stakeholders but to those who are entitled to the DPIA assessment. Who do you think should be involved in the assessment process and what specific expertise and know-how is required to successfully conduct a DPIA for Big Data Analytics and why?

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In terms of risk assessment, what techniques, tests or procedures do you consider necessary to include in the DPIA process?

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(optional) Please add any general comments here

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