lesus M Gonzalez-Barahona

Should we worry?

A case study

Data mining in the times of the GDPR

Jesus M. Gonzalez-Barahona

Universidad Rey Juan Carlos @igbarah

http://github.com/jgbarah/presentations

SECO-ASSIST 2019 Research Seminar Uni. Mons (Belgium), September 4th 2019

Jesus M. Gonzalez-Barahona

Should we worry?

What should we

Some definitions

A case study

luana antana da da da

Call for action

To probe further

Disclamer

I'm not a lawyer.

I don't have any formal training in law.

This is not legal advice.

Should we worry?

Data mining & GDPR

Jesus M. Gonzalez-Barahona

Should we worry?

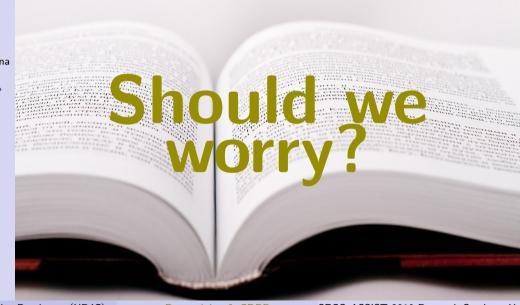
What should we do?

Joine demina

A case study

Call for action

To probe further



Jesus M. Gonzalez-Barahona (URJC)

Data mining & GDPR

SECO-ASSIST 2019 Research Seminar Ur

Jesus M. Gonzalez-Barahona

Should we worry?

do?

Some definition

A case study

Important details

Call for action

To probe further

Mining software repositories

Should we worry when we research

wnen we researcn

based on data

extracted from

software development repositories?

Jesus M. Gonzalez-Barahona

Should we worry?

do?

Some definition

A case study

Important detail

Call for action

To probe further

Let's analyze from two (interrelated) points of view:

- legal requirements
- ethical requirements

Should we worry?

Data mining & GDPR

Jesus M. Gonzalez-Barahona

Should we worry?

do?

A case study

A case study

Call for action

To probe further

While the EU's ethics review process is primarily concerned with ethics issues, your project must demonstrate compliance with the GDPR. However, the fact that your research is legally permissible does not necessarily mean that it will be deemed *ethical*.

Crucially, if your research proposal involves the processing of any personal data, whatever method is

used, you — and all of your partners, collaborators and service providers — must, if called upon, be able to demonstrate compliance with both legal and ethical requirements. Such requests could come from data subjects, funding agencies or data protection supervisory authorities.

H2020 document on Ethics and Data Protection, by EC

lesus M Gonzalez-Barahona

Should we worry?

A case study

Applicable law

In the European Union (and elsewhere):

- General Data Protection Regulation (GDPR) Affects all of EU, and rights of EU citizens
- Specific law in member states
- Recommendations by national data protection agencies

Similar law in other jurisdictions:

California Consumer Privacy Act

Jesus M. Gonzalez-Barahona

Should we worry?

do?

Some definitions

A case study

Important detai

Call for action

To probe further

Is research exempt?

Processing of personal data should be:

- lawful,
- fair,
- and transparent.

GDPR, Preface (39)

Jesus M. Gonzalez-Barahona

Should we worry?

do?

Some definitions

A case study

Important detail

Call for action

To probe further

Lawful?

- explicit consent: difficult when mining repositories
- task in the public interest (public institutions)
- legitimate interest (non-public institutoions)

GDPR and Research: An Overview for Researchers, UK Research and Innovation

Jesus M. Gonzalez-Barahona

Should we worry?

What should we do?

Some definitions

A case study

Important details

Call for action

To probe further

Fair, transparent?

Fair, transparent:

Processing for [...] research purposes, shall be subject to appropriate safeguards, in accordance with this Regulation, for the rights and freedoms of the data subject.

GDPR, Article 89

Jesus M. Gonzalez-Barahona

Should we worry?

do?

Some definitions

A case study

.....

To mucho funthon

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. Those measures may include pseudonymisation [...]. Where those purposes can be fulfilled by further processing which does not permit [...] the identification

of data subjects, those purposes shall be fulfilled in that

GDPR, Article 89

manner.

Jesus M. Gonzalez-Barahona

Should we worry?

do?

Some definitions

A case study

Important details

Call for action

To probe further

Is research exempt?

Publication of personal data:

Sharing personal data should be through managed processes, with access and usage controls to protect from re-identification

Potential problem for publication of results, when they involve personal data (eg: datasets)

Should we worry?

the data subject (see below).

significant ethics issues.

(URJC)

Data mining & **GDPR**

lesus M Gonzalez-Barahona

Should we worry?

A case study

Jesus M. Gonzalez-Barahona

SECO-ASSIST 2019 Research Seminar Ur

It is highly likely that if your project involves any data about identifiable persons, even if they are not directly

participating in the research, you are processing personal data and must comply with EU and national law. Only data that have been fully and irreversibly anonymised are exempt from these requirements. Importantly, while pseudonymisation can provide individual data subjects with a degree of protection and anonymity, pseudonymised data still fall within the scope of personal data because it is possible to re-identify

Even if your project is using only anonymised data, the origin or acquisition of the data may still raise

H2020 document on Ethics and Data Protection, by EC

Data mining & GDPR

"Higher risks" related to GDPR in research

lesus M Gonzalez-Barahona

Should we worry?

A case study



H2020 document on Ethics and Data Protection, by EC

Types of personal racial or ethnic origin



Should we worry?

data

lesus M Gonzalez-Barahona

Should we worry?

A case study

Children & vulnerable people

Maybe we don't know...

...but they may be in our dataset

- they are subject to special protection
- even when we usually cannot tell who they are...
- ...others could

This situation is very difficult to deal with

Jesus M. Gonzalez-Barahona

Should we worry?

VVhat should we do?

Some definitions

A case study

Important details

Call for action

To probe further

Privacy invasive methods

- Example: who is working off-hours
- Methodology: tracking individual activity in all available data sources
- Risk: tagging specific people

You can learn working hours, days off, vacation...

Jesus M. Gonzalez-Barahona

Should we worry?

What should we do?

Some definitions

A case study

Important details

Call for action

To probe further

Profiling individuals or groups

- Example: activities by newcomers
- Methodology: tracking individual activity in all available data sources
- Risk: tagging specific people

You can show specific activity of persons

Jesus M. Gonzalez-Barahona

Should we worry?

do?

Some definitions

A case study

Important details

Call for action

To probe further

Using AI to analyze personal data

- Example: find out experts
- Methodology: analyze activity to find out experts in some languages, using Al
- Risk: singling out specific persons

Jesus M. Gonzalez-Barahona

Should we worry?

What should we do?

Some definition

A case study

Important detail

Call for action

To probe further

Large-scale

- Usually, several data sources
- The more data, the better
- If we can combine datasets, we do

The better the research, the riskier

Jesus M. Gonzalez-Barahona

Should we worry?

do?

Some definition

A case study

Important details

Call for action

To probe further

Data mining from social media

- Our data source are social media
- Of course we mine data from them

Data mining is the core of our business

Jesus M. Gonzalez-Barahona

Should we worry?

VVhat should we do?

Some definitions

A case study

Important details

Call for action

To probe further

No explicit consent

- We collect data from services...
- ...which didn't get explicit consent for our cases
- Even if they got, they don't guarantee that for us
- In summary: usually, no explicit consent

Can we avoid this case?

Jesus M. Gonzalez-Barahona

Should we worry?

VVhat should we do?

Some definitions

A case study

Important details

Call for action

To probe further

Transfer of data across EU border

- Collecting data from non EU data sources
- Sharing data with non-EU researchers

Can we avoid these scenarios?

(URJC)

What should we do?

Data mining & GDPR

Jesus M. Gonzalez-Barahona

Should we worry? What should we

do?

A case study

Call for action

To probe further



Jesus M. Gonzalez-Barahona (URJC)

Data mining & GDPR

SECO-ASSIST 2019 Research Seminar Ur

Jesus M. Gonzalez-Barahona

Should we worry?

What should we do?

Some definitions

A case study

Important details

Call for action

To probe further

Detailed analysis

Ethics issues raised by our methodology:

- data collection and processing operations
- ethics issues that these raise
- mitigation of these issues in practice.

Submission to the Research Ethics Committee.

Jesus M. Gonzalez-Barahona

Should we worry?

What should we do?

Some definitions

A case study

Important details

Call for action

To probe further

Detailed analysis

- Mandatory for EC-funded research proposals
- Important: involve the DPO (Data Protection Officer)
- Maybe: requirement to conduct a DPIA (Data Protection Impact Assessment)

Jesus M. Gonzalez-Barahona

Should we worry?

What should we do?

Some definitions

A case study

Important details

Call for action

To probe further

GDPR approach

Data protection by design (DPbD:

Data controllers are required to implement appropriate technical and organisational measures to give effect to the core data-protection principles of GDPR.

GDPR, Articles 5 and 25

Jesus M. Gonzalez-Barahona

Should we worry?

What should we do?

Some definitions

A case study

Important detail

Call for action

To probe further

DPbD in research

Data protection by design:

- Anonymization / pseudonymization
- data minimization
- cryptography (hashing, encrypting)
- data protection focused service providers & storage
- procedures for exercising fundamental rights (access, consent)

Jesus M. Gonzalez-Barahona

Should we worry?

What should we do?

Some definitions

A case study

Important details

Call for action

To probe further

Data minimization

(1) Data processing must be lawful, fair and transparent. It should involve only data that are necessary and proportionate to achieve the specific task or purpose for which they were collected

GDPR, Article 5

Jesus M. Gonzalez-Barahona

Should we worry?

What should we do?

Some definitions

A case study

Important details

Call for action

To probe further

Data minimization

- Collect minimal personal data
- Anonymize and pseudonymize
- Store data securely
- Dispose data when no longer needed
- Limit access to data

Jesus M. Gonzalez-Barahona

Should we worry?

What should we do?

Some definitions

A case study

Important details

Call for action

To probe further

Mitigation

Anonymization, pseudonymization

...but even in this case, ethics issues:

- origin of the data
- potential misuse of methodology or findings
- potential for deanonymization

Some definitions

Data mining & GDPR

Jesus M. Gonzalez-Barahona

Should we worry?

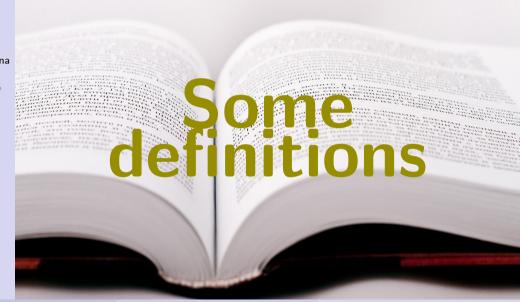
do?

Some definitions

A case study

Call for action

To probe further



Jesus M. Gonzalez-Barahona (URJC)

Data mining & GDPR

SECO-ASSIST 2019 Research Seminar Ur

Jesus M. Gonzalez-Barahona

Should we worry?

What should w do?

Some definitions

A case study

....

Call for action

Data processing

(2) Data processing [includes] 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.

GDPR, Article 4.

Jesus M. Gonzalez-Barahona

Should we worry?

What should we do?

Some definitions

A case study

Important details

Call for action

To probe further

Actors subject to GDPR

- Data controller: determines the purposes and means of the processing of personal data
- Data processor: processes personal data on behalf of the controller

lesus M Gonzalez-Barahona

Should we worry?

Some definitions

A case study

Data protection office

- Appointed by controllers and processors (eg: usually one in each University)
- Involved in all issues related to protection of personal data
- Data subjects may contact DPO directly
- Good, local point to seek advice for a researcher

Jesus M. Gonzalez-Barahona

DPIA

Data Protection Impact Assessment:

Process designed to assess the data-protection impacts [...] and, [...] to ensure that remedial actions are taken as necessary to correct, avoid or minimise the potential negative impacts on the data subjects.

Should we worry?

Some definitions

A case study

Important details

Call for action

To probe further

Jesus M. Gonzalez-Barahona

Should we worry?

What should we do?

Some definitions

A case study

Call for action

To probe further

DPIA likely required

A company systematically monitoring its
employees' activities, including the
monitoring of the employees' work
station, internet activity, etc.

The gathering of public social media data
for generating profiles.

- Systematic monitoring
- Data concerning vulnerable data subjects

- Evaluation or scoring
- Data processed on a large scale
- Matching or combining of datasets
- Sensitive data or data of a highly personal

H2020 document on Ethics and Data Protection, by European Commission

nature

A case study

Data mining & **GDPR**

Jesus M. Gonzalez-Barahona

Should we worry?

What should we

A case study

Jesus M. Gonzalez-Barahona (URJC)

Data mining & GDPR

SECO-ASSIST 2019 Research Seminar Ur

Jesus M. Gonzalez-Barahona

Should we worry?

do?

Some definitions

A case study

Important details

Call for action

To probe further

The problem

You have a collection of all commits fulfilling some properties from a large set of public repositories.

You analyze number of committers per time period.

How can you publish the dataset in a reproduction package?

Jesus M. Gonzalez-Barahona

Should we worry?

What should we do?

Some definitions

A case study

Important details

Call for action

To probe further

The problem

Let's assume we have a legitimate basis for the data processing

(is research a legitimate basis?)

lesus M Gonzalez-Barahona

Should we worry?

A case study

commit 491f9205c36fdf54b4bbb7f25ba83b6cb99874b9 Author: Jesus M. Gonzalez-Barahona < jgb@gsyc.es>

Mon May 13 13:33:04 2019 +0200

Add notice about GNOME Extension needed for indications.

Date:

Jesus M. Gonzalez-Barahona

Should we worry?

do?

Some definitions

A case study

Important details

Call for action

To probe further

 $\verb|commit|| 491f9205c36fdf54b4bbb7f25ba83b6cb99874b9|$

Author: Jesus M. Gonzalez-Barahona <jgb@gsyc.es>
Date: Mon May 13 13:33:04 2019 +0200

Add notice about GNOME Extension needed for indications.

Personal data?

Jesus M. Gonzalez-Barahona

Should we worry?

What should w do?

Some definitions

A case study

Important details

Call for action

To probe further

Personal data

(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;

GDPR, Art. 4

Jesus M. Gonzalez-Barahona

Should we worry?

What should we do?

Some definitions

A case study

Important details

Call for action

To probe further

Personal data

Personal data include data such as internet protocol (IP) addresses (unique identifiers that can be used to identify the owner of devices connected to the internet) and data from 'smart meters' monitoring energy usage by addresses linked to identifiable persons.

H2020 document on Ethics and Data Protection, by European Commission

Certainly, it includes names & email identifiers.

Jesus M. Gonzalez-Barahona Personal data

Should we worry?

What should we do?

Some definitions

A ---- -t...d..

A case study

Call for action

To probe further

Jesus M. Gonzalez-Barahona <jgb@gsyc.es>

Jesus M. Gonzalez-Barahona Personal data

Should we worry?

do?

Some definitions

A case study

Important detail

Call for action

To probe further

But... wait!!!!

Our data is public data!!

lesus M Gonzalez-Barahona

Should we worry?

A case study

Open source data

[Box 4] Using 'open source' data

The fact that some data are publicly available does not mean that there are no limits to their use.

On the contrary, if you take 'open source' personal data about identifiable persons and create new records or files/profiles, you are processing personal data about them and must have a lawful/legitimate basis for doing so.

You must ensure that the data processing is fair to the data subject and that their fundamental rights are respected.

> H2020 document on Ethics and Data Protection. by European Commission

Jesus M. Gonzalez-Barahona

Should we worry?

What should we do?

Some definitions

A case study

Important detail

Call for action

To probe further

Open source data

If your research project uses data from social media networks and you do not intend to seek the data subjects' explicit consent to the use of their data, you must assess whether those persons actually intended to make their information public (e.g. in the light of the privacy settings or limited audience to which the data were made available).

It is not enough that the data be accessible; they must have been made public to the extent that the data subjects do not have any reasonable expectation of privacy. You must also ensure that your intended use of the data complies with any terms and conditions published by the data controller.

If you are in any doubt as to what you can and cannot do with this kind of data, you should seek advice from your DPO or a suitably qualified expert and include their opinion in your proposal.

H2020 document on Ethics and Data Protection, by European Commission

lesus M Gonzalez-Barahona

Should we worry?

A case study

How to fix the problem

- Anonymize: Strip all personal data (but still... more on this later)
- Pseudonymize personal data (the dataset will be much richer, but still...)

lesus M Gonzalez-Barahona

Should we worry?

A case study

Pseudonymizing

(5) 'pseudonymisation' means the processing of personal data in such a manner that the personal data can no longer be attributed to a specific data subject without the use of additional information, provided that such additional information is kept separately and is subject to technical and organisational measures to ensure that the personal data are not attributed to an identified or identifiable natural person;

GDPR, Art. 4

lesus M Gonzalez-Barahona

Should we worry?

A case study

Pseudonymization

[Box 2] Pseudonymisation and anonymisation: understanding the difference

Pseudonymisation entails substituting personally identifiable information (such as an individual's name) with a unique identifier that is not connected to their real-world identity, using techniques such as coding or hashing. However, if it is possible to re-identify the individual data subjects by reversing the pseudonymisation process, data protection obligations still apply. They cease to apply only when the data are fully and irreversibly anonymised.

Anonymisation involves techniques that can be used to convert personal data into anonymised data. Anonymisation is increasingly challenging because of the potential for re-identification.

Re-identification is the process of turning pseudonymised or anonymised data back into personal data by means of data matching or similar techniques.

> H2020 document on Ethics and Data Protection. by EC

lesus M Gonzalez-Barahona

Pseudonymizing 1

Should we worry?

A case study

echo -n "<jgb@gsyc.es>" | sha256sum

3fdffb4a435cc3a5bab7d96b3cc2cefea90ca879f7fba034

commit 491f9205c36fdf54b4bbb7f25ba83b6cb99874b9

Author: 3fdffb4a435cc3a5bab7d96b3cc2cefea90ca879 Mon May 13 13:33:04 2019 +0200 Date:

Add notice about GNOME Extension needed...

lesus M Gonzalez-Barahona

Should we worry?

A case study

Pseudonymizing 1

Not good enough:

Data returned for an Email Append								
Input (Encrypted Email)	Recovered Email	First Name	Last Name	Address	City	State	Zip	Phone
cbf05329de4e57e4cba09471448ddb98	joe.smith@gmail.com							
5469703a9c26d5e8be4e46bef4596e2f836088c0	commonme@yahoo.com	Don	Johnson	478 19TH PL W	Redmond	WA	98052	4255557892

number associated with an email address.

Four cents to deanonymize: Companies reverse hashed

email addresses, by Gunes Acar

lesus M Gonzalez-Barahona

Should we worry?

A case study

Pseudonymizing 1

For the curious:

- Estimated: 5 billion email addresses (2018)
- Amazon EC2: 450 billion hashes/sec.
- Lists of (targeted) email lists for sale
- Data breaches leaking billions of addresses

There is a whole business ecosystems around email addresses

Four cents to deanonymize: Companies reverse hashed

Jesus M. Gonzalez-Barahona

Should we worry?

What should we do?

Some definitions

A case study

Important details

Call for action

To probe further

Pseudonymizing 2

Hash "name + address"

Better, but still subject to attack if you harvested addresses

- Salt the hash, use different algorithm
- Non-hash functions (eg, sequential code)
- Encryption instead of hash

Better, but you need to disclose details if you want others to merge with your dataset

Jesus M. Gonzalez-Barahona

Should we worry?

What should we do?

Some definitions

A case study

Important detail

Call for action

To probe further

Pseudonymizing 3

A possibility emerges:

"Encryption / coding

Datasets: public

Key / coding table:

only to researchers asking for it

(variant: reference them in the paper)

Is this good enough for "legitimate use"?

Jesus M. Gonzalez-Barahona

Pseudonymizing 3

commit 491f9205c36fdf54b4bbb7f25ba83b6cb99874b9

Author: 4334345

Date: Mon May 13 13:33:04 2019 +0200

Add notice about GNOME Extension needed...

Separate table:

4334345, Jesus M. Gonzalez-Barahona < jgb@gsyc.es>

Should we worry?

Come definitions

A case study

To probe further

Jesus M. Gonzalez-Barahona

Should we worry?

do?

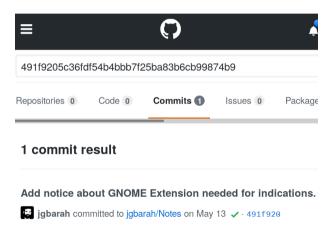
A case study

Important details

Call for action

To probe further

We still have a problem



Jesus M. Gonzalez-Barahona

Should we worry?

do?

A case study

Call for action

To probe further

We still have a problem

```
curl https://archive.softwareheritage.org/api/1/3491f9205c36fdf54b4bbb7f25ba83b6cb99874b9/
```

```
{"author":
    {"name":"Jesus M. Gonzalez-Barahona",
     "fullname":"Jesus M. Gonzalez-Barahona <jgb@g
     "email":"jgb@gsyc.es"}
}</pre>
```

Jesus M. Gonzalez-Barahona What can we do?

Should we worry?

do?

Some definitions

A case study

Important details

Call for action

To probe further

Pseudonymize the hash too:

commit 6777888876876

Author: 4334345

Date: Mon May 13 13:33:04 2019 +0200

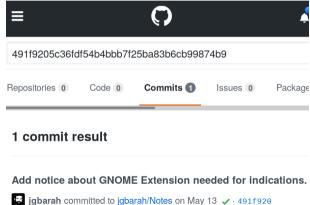
Add notice about GNOME Extension needed...

lesus M Gonzalez-Barahona

Should we worry?

A case study

We still have a problem (2)





Jesus M. Gonzalez-Barahona

Should we worry?

What should we do?

Some definitions

A case study

Important details

Call for action

To probe further

We still have a problem (2)

- Commit comment can be used to deanonymize author.
- Date can be used to deanonymize author.

commit 6777888876876

Author: 4334345

Date: 5353453453

Comment: 434343434

...and separate coding tables

Jesus M. Gonzalez-Barahona

Should we worry?

What should we do?

Some definitions

A case study

Important details

Call for action

To probe further

Why we need tables

- For reproduction: commits per time period
- for reuse: identity merging
- for reuse: relationship between message and time of the day
- for reuse: link to issues
- ...

Jesus M. Gonzalez-Barahona

Should we worry?

do?

Some definitions

A case study

Important detail

Call for action

To probe further

When data is public...

This is a problem for anyone having access to the data that allows deanonymization

But also for anyone letting others deanonymize

Big trouble if it is publicly available data

Important details

Data mining & **GDPR**

Jesus M. Gonzalez-Barahona

Should we worry?

A case study

Important details



Jesus M. Gonzalez-Barahona (URJC)

Data mining & GDPR

SECO-ASSIST 2019 Research Seminar Ur

Jesus M. Gonzalez-Barahona

Should we worry?

What should we do?

Some definitions

A case study

Important details

Call for action

To probe further

Timing of anonymization

- Collection (no personal data is processed)
 Example: web form, no browser tracking
 Example: anonymous dataset from 3rd party
- Later than collection:
 Raw data is not anonymized (needs special protection)

Jesus M. Gonzalez-Barahona

Should we worry?

What should we do?

Some definitions

A case study

Important details

Call for action

To probe further

Informed consent

Explain to participants what your research is about, what their participation in your project will entail and any risks that may be involved. When they have fully understood, see and obtain their express permission.

GDPR, Article 4 (11), Article 7

Jesus M. Gonzalez-Barahona

Should we worry?

What should we do?

Some definitions

A case study

Important details

Call for action

To probe further

Managing consent

You need to document and archive consent You need to be able of producing evidence Consent management applications:

- ethically robust, secure
- model consent processes
- manage, document, evidence

Jesus M. Gonzalez-Barahona

Should we worry?

VVhat should we do?

Some definitions

A case study

Important details

Call for action

To probe further

Secondary use

Usually, we perform secondary use (we don't collect data directly from persons)

Important: check original consent

Explain how data was obtained, justify use (legitimate use) ensure processing is fair to data subjects

Jesus M. Gonzalez-Barahona

Should we worry?

What should we do?

Some definition:

A case study

Important details

Call for action

To probe furthe

Secondary use

(47) the legitimate interests of a controller [...] or of a third party, may provide a legal basis for processing, provided that the interests or the fundamental rights and freedoms of the data subject are not overriding, taking into consideration the reasonable expectations of data subjects based on their relationship with the controller

Jesus M. Gonzalez-Barahona

Should we worry?

do?

Some definition:

A case study

Important details

Call for action

To probe further

Data security

- Appropriate technical & organisational measures
- Level of security commensurate to risks faced by the data subjects
- Prevention of unauthorised access, disclosure, accidental deletion

lesus M Gonzalez-Barahona

Should we worry?

A case study

Important details

Data security

Do

- use GDPR-compliant tools to collect, process and store research subjects' personal data;
- take communications security seriously, and devise and implement dedicated protocols for your project as necessary:
- check the terms and conditions of all of the service providers you use (software, applications, storage, etc.) to process personal data within your project, in order to identify and mitigate risks to the data subjects:
- encrypt your research data and/or the devices on which they are stored, and ensure that keys/passwords are appropriately protected; and
- consult your DPO or a suitably qualified expert for advice on how to achieve a level of data security that is commensurate to the risks to your data subjects.

H2020 document on Ethics and Data Protection.

by EC

lesus M Gonzalez-Barahona

Data security

Should we worry?

A case study

Important details

protected (e.g. consider the implications of automatic back-ups to the cloud, and the device's security features): use free services that may use your participants' data for their own purposes in lieu of payment, or

collect data on a personal device such as a smartphone without ensuring that they are properly

- collect data or communicate with research participants via social media platforms without first assessing the data protection implications: use unencrypted email, SMS or insecure 'voice over IP' platforms to communicate with vulnerable
- participants or those who may be subject to state surveillance: x expose personal data to unauthorised access or use when accessing them remotely (e.g. by using insecure wifi connections) or travelling to countries where your devices may be inspected or seized: and
- assume that your research partners, collaborators or service providers have appropriate information security and data protection policies without checking that this is the case.

H2020 document on Ethics and Data Protection.

x

lesus M Gonzalez-Barahona

Should we worry?

A case study

Important details

Transfer outside FU

Possible (GPDR, Chapter 5)::

- to countries with "adequacy determination"
- when explicit consent is obtained
- when compliant data-transfer agreements are in place

Beware of third-party services!!!

Non-EU countries with adequacy determination

lesus M Gonzalez-Barahona

Should we worry?

A case study

Important details

Transfer outside EU

- ensure that any international data transfers fulfil at least one of the relevant conditions in Chapter V GDPR:
- check that any third-party services you intend to use (e.g. survey tools, data analytics, cloud storage, etc.) are incorporated in an EU Member State or legally represented in the EU in accordance with the GDPR:
- adopt legally binding and enforceable agreements with partners or service providers prior to data transfers:
- prohibit the onward transfer of personal data by members of your consortium and any other recipients outside the framework of such agreements; and
- implement appropriate organisational and technical measures to ensure that personal data are transferred securely.

H2020 document on Ethics and Data Protection.

bv EC

Jesus M. Gonzalez-Barahona

Should we worry?

do?

Some definitions

A case study

Important details

Call for action

To probe further

Archiving

Archive personal data only as needed for research purposes.

Delete it as soon as possible (define a maximum retention period).

Beware of backups and data in cloud storage.

H2020 document on Ethics and Data Protection, by EC

Jesus M. Gonzalez-Barahona

Should we worry?

VVhat should we do?

Some definitions

A case study

Important details

Call for action

To probe further

Archiving

But you can keep personal data indefinitely if you ensure it is only for:

- archiving purposes in the public interest
- scientific or historical research purposes
- statistical purposes

Jesus M. Gonzalez-Barahona

Should we worry?

do?

Some definitions

A case study

Important details

Call for action

To probe further

Archiving

Open issue: archiving for reproduction

In principle, covered by research exemption, but it is not absolute

Jesus M. Gonzalez-Barahona

Collection outside EU

Should we worry?

do?

Some definitions

A case study

Important details

Call for action

To probe further

Subject to GDPR even if data comes from outside EU if data controller is based in EU

Of course, compliance with the law of the country of collection

Jesus M. Gonzalez-Barahona

Should we worry?

What should we do?

Some definitions

A case study

Important details

Call for action

To probe further

Children

If your research project involves collecting data from children, you must follow the "EC Guidance note on informed consent", in particular the provisions on obtaining the consent of a parent/legal representative and, where appropriate, the assent of the child.

H2020 document on Ethics and Data Protection, European Commission

Jesus M. Gonzalez-Barahona

Should we worry?

What should we do?

Some definition

A case study

Important details

Call for action

To probe further

The GDPR establishes special safeguards for children in relation to "information society services", a broad term covering all internet service providers, including social media platforms. These include a requirement for verified parental consent in respect of information society services offered directly to children aged under 16. Individual Member States may provide for this threshold to be lowered to 13.

H2020 document on Ethics and Data Protection, European Commission Call for action

Data mining & GDPR

Jesus M. Gonzalez-Barahona

Should we worry?

What should we do?

Some definition

A case study

....

Call for action

To probe further



Jesus M. Gonzalez-Barahona (URJC)

Data mining & GDPR

SECO-ASSIST 2019 Research Seminar Ur

Jesus M. Gonzalez-Barahona

Should we worry?

do?

Some definitions

A case study

Important details

Call for action

To probe further

Researchers & developers

Maybe we researchers need to work with developers to learn what is legitimate use for them?

Maybe developers should specify what is legitimate use for them, in their repositories?

Jesus M. Gonzalez-Barahona

Should we worry?

VVhat should w

Some definitions

A case study

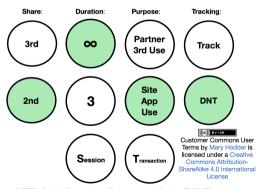
Important details

Call for action

To probe further

An inspiration

MY TERMS: Icon format and structure



NOTE: I'm the first party. My terms are: 2nd-∞-SU-DNT

User Subitted Terms, by
Mary Hooder
Customer Commons and
User Submitted Terms

Should we worry?

lesus M Gonzalez-Barahona A related IEEE WG

Working Group Details

Working Group

Sponsor Committee

A case study

Call for action

MRPT_WG - Machine Readable Privacy Terms Working Group

SSIT/SC - Social Implications of Technology Standards Committee

SSIT - IEEE Society on Social Implications of Technology Society

Machine Readable Privacy Terms Working Group

Jesus M. Gonzalez-Barahona

Should we worry?

What should woodo?

Some definitions

A case study

Important details

Call for action

To probe further

FOSS is open for a reason

Having the soure code available is a conscious decision

It could be extended to all data related to software development (better undestanding of the project)

Clarification of intent would help to define legitimate interest and prove ethics compliance

To probe further

Data mining & **GDPR**

Jesus M. Gonzalez-Barahona

Should we worry?

A case study

To probe further



Jesus M. Gonzalez-Barahona (URJC)

Data mining & GDPR

SECO-ASSIST 2019 Research Seminar Ur

Jesus M. Gonzalez-Barahona

Should we worry?

do?

Some definitions

A case study

Important detail

Call for action

To probe further

References

- GDPR portal by EC (includes full text of GDPR)
- H2020 document on Ethics and Data Protection, European Commission
- GDPR and Research: An Overview for Researchers, UK Research and Innovation

Jesus M. Gonzalez-Barahona

Should we worry?

A case study

To probe further

Credits

Jesus M. Gonzalez-Barahona

Should we worry?



©2019 Jesus M. Gonzalez-Barahona.

What should we do?

Some definition

A case study

Important deta

Call for action

To probe further

Some rights reserved. This document is distributed under the terms of the Creative Commons License "Attribution-ShareAlike 4.0", available in

http://creativecommons.org/licenses/by-sa/4.0/

This document (including source) is available from https://github.com/jgbarah/presentaciones