

RMPP Unit 4 Seminar 3: Case Study - Privacy

Please read the case below and answer the questions. You need to determine the ethical issues involved with this case.

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?

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

In this case, this situation should be focused on privacy and whether Ricardo has the authority and can act as a data controller to allow the names and addresses from the property tax database to be release without consent of the people involved (UK Data Service, N.D.).

Access controls play a consideration whereby he would also need to be authorised to carryout this activity as a clerk. With this being linked to property tax, people's confidence in security and confidentiality maybe brought into dispute of the local government organisation.

- *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 this case, privacy would be the main concern again as also considering the rights of the user. There would need to be some understanding of the value of the research data and for what purpose.

As a data controller, Ricardo has a responsibility to ensure user's data is confidential and used within lawful basis (ICO, N.D.) for the reasoning of use (European Commission, 2021).

- *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?*

Beth should not be allowed to contact the individuals and so the Records department should not allow as they haven't given their consent regardless of the purpose (HM Government, 2022). Greater consideration needs to be considered for the right of individuals to privacy and their right to be informed.

For compliance with GDPR, the data controller (Records department) needs to limit data collection, protect unauthorised use and provides rights to access. Effective security measures should be in place to reduce the risk of a breach. As other data than the name is involved it would be considered personal data (Irwin, 2023).

- *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?*

For this case, it would be essential to consider the validity of Beth's study. Providing a context of how the individuals gave permission. Did this happen through ignorance, coercion or a lack of understanding. For the people who did not respond, that does not mean they happy to for permission to go ahead. Consent must be positive (European Commission, N.D.), that requires individuals for example, to tick a box rather than have a predetermined option to accept.

Therefore in an attempt to improve the validity and reliability of the study, Beth could setup a focus groups within the participating individuals to gain more insight and the possibly adapt the criteria more specifically. Research proposals can change over time within parameters and there will always be limitations.

European Commission. (2021). Ethics and data protection. Available from: https://ec.europa.eu/info/funding-tenders/opportunities/docs/2021-2027/horizon/guidance/ethics-and-data-protection_he_en.pdf [Accessed 13 February 2023].

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Hm Government. (2022). Data sharing guidance for researchers seeking permission for secure access to data. Available from: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1053710/data-sharing-guidance-researchers.pdf [Accessed 13 February 2023].

Ico. (N.D.). Does an organisation need my consent? Available from: <https://ico.org.uk/for-the-public/does-an-organisation-need-my-consent/#:~:text=Organisations%20don't%20always%20need,lawful%20bases%20organisations%20can%20use>. [Accessed 9 February 2023].

Irwin, L. (2023). The GDPR: What exactly is personal data? Available from: <https://www.itgovernance.eu/blog/en/the-gdpr-what-exactly-is-personal-data> [Accessed 13 February 2023].

Uk Data Service. (N.D.). The Data Protection Act and GDPR. Available from:

<https://ukdataservice.ac.uk/learning-hub/research-data-management/data-protection/data-protection-legislation/data-protection-act-and-gdpr/#:~:text=The%20UK%20GDPR%20makes%20provisions,measures%2C%20data%20minimisation%20and%20pseudonymisation>. [Accessed 13 February 2023].