

## Case Study: Privacy

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?

Ricardo should not release the names and addresses relating to the records, as he is not authorised to do so. Only the data that is necessary to perform a role should be given. Any further information required, needs to be approved.

In Austria, for example, it is Federally mandated, who is allowed access to personal data, and for what reason (bmf, ND).

- 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?

Regardless of whether Ricardo is responsible for allowing access or not, he has a duty of care, to safeguard the personal data under his control. Ricardo must evaluate whether it is ethically and legally possible to release the additional information, and he must try to determine, if the personal records will have their confidentiality respected. When in doubt, it is better to keep the data restricted, rather than risk breaking data protection rules and regulations.

- 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?

Everyone has a right to privacy and confidentiality. Article 5 of the GDPR rules state that “personal data shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed” (GDPR, ND).

- 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?

Without full acceptance from half of the required population polled, Beth will not be able to use the data that correlates to an individual, from people that either responded “no” or did not respond at all. She would still be able to use the original data, as this was anonymised, but she would require approval to use the data with names and other personal information, so she would only have access to one-third of the data at this point. If the data could be anonymised, to prevent individuals being identified, then it would be possible for her to use that data. Consent must be given European Commission, ND).

## References:

BMF. (ND). Data Protection. Available from: <https://www.bmf.gv.at/en/data-protection.html#130>

[Accessed 21 October 2023].

European Commission. (ND). How should my consent be requested? Available from: [https://commission.europa.eu/law/law-topic/data-protection/reform/rights-citizens/how-my-personal-data-protected/how-should-my-consent-be-requested\\_en](https://commission.europa.eu/law/law-topic/data-protection/reform/rights-citizens/how-my-personal-data-protected/how-should-my-consent-be-requested_en)

[Accessed 21 October 2023].

GDPR, (ND). General Data Protection Regulation (GDPR), Art.5 GDPR Principles relating to processing of personal data. Available from: <https://gdpr.eu/article-5-how-to-process-personal-data/>

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