

## The General Data Protection Regulation [GDPR] and Goldsmiths Research: guidelines for participants

Please note that this document does not constitute, and should not be construed as, legal advice. These guidelines are designed to help participants understand their rights under GDPR which came into force on 25 May 2018.

### Your rights as a participant (data subject) in this study

The updated data protection regulation is a series of conditions designed to protect an individual's personal data. Not all data collected for research is personal data.

Personal data is data such that a living individual can be identified; collection of personal data is sometimes essential in conducting research and GDPR sets out that data subjects should be treated in a lawful and fair manner and that information about the data processing should be explained clearly and transparently. Some data we might ask to collect falls under the heading of **special categories data**. This type of information includes data about an individual's race; ethnic origin; politics; religion; trade union membership; genetics; biometrics (where used for ID purposes); health; sex life; or sexual orientation. This data requires particular care.

Under GDPR you have the following rights over your personal data<sup>1</sup>:

- **The right to be informed.** You must be informed if your personal data is being used.
- **The right of access.** You can ask for a copy of your data by making a 'subject access request'.
- **The right to rectification.** You can ask for your data held to be corrected.
- **The right to erasure.** You can ask for your data to be deleted.
- **The right to restrict processing.** You can limit the way an organisation uses your personal data if you are concerned about the accuracy of the data or how it is being used.
- **The right to data portability.** You have the right to get your personal data from an organisation in a way that is accessible and machine-readable. You also have the right to ask an organisation to transfer your data to another organisation.
- **The right to object.** You have the right to object to the use of your personal data in some circumstances. You have an absolute right to object to an organisation using your data for direct marketing.
- **How your data is processed using automated decision making and profiling.** You have the right not to be subject to a decision that is based solely on automated processing if the decision affects your legal rights or other equally important matters; to understand the reasons behind decisions made about you by automated processing and the possible consequences of the decisions, and to object to profiling in certain situations, including for direct marketing purposes.

Please note that these rights are not absolute and only apply in certain circumstances. You should also be informed how long your data will be retained and who it might be shared with.

### How does Goldsmiths treat my contribution to this study?

Your participation in this research is very valuable and any personal data you provide will be treated in confidence using the best technical means available to us. The university's legal basis for processing your data<sup>2</sup> as part of our research findings is a "task carried out in the public interest". This means that our research is designed to improve the

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<sup>1</sup> <https://ico.org.uk/your-data-matters/>

<sup>2</sup> GDPR Article 6; the six lawful bases for processing data are explained here: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/>

health, happiness and well-being of society and to help us better understand the world we live in. It is not going to be used for marketing or commercial purposes.

In addition to our legal basis under Article 6 (as described above), for **special categories data** as defined under Article 9 of GDPR, our condition for processing is that it is “necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes”.<sup>3</sup>

If your data contributes to data from a group then your ability to remove data may be limited as the project progresses, when removal of your data may cause damage to the dataset.

**You should also know that you may contact any of the following people if you are unhappy about the way your data or your participation in this study are being treated:**

- Goldsmiths Data Protection Officer – [dp@gold.ac.uk](mailto:dp@gold.ac.uk) (concerning your rights to control personal data).
- Chair, Goldsmiths Research Ethics and Integrity Sub-Committee - via [k.rumsey@gold.ac.uk](mailto:k.rumsey@gold.ac.uk), REISC Secretary (for any other element of the study).
- You also have the right to lodge a complaint with the Information Commissioner’s Office at <https://ico.org.uk/make-a-complaint/>

*This information has been provided by the Research Ethics and Integrity Sub-Committee with advice from the Research Services and Governance and Legal Teams.*

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<sup>3</sup> Article 9 of the GDPR requires this type of data to be treated with great care because of the more significant risks to a person’s fundamental rights and freedoms that mishandling might cause, eg, by putting them at risk of unlawful discrimination.