**Privacy Notice** (to be provided to the research participant with the Participant Information Sheet)

Name of Research Project:

Description of Project:

|  |  |
| --- | --- |
| Data Controller | Edinburgh Napier University  |
| Purposes for collection/processing | Provide a description of the purposes e.g. the aims of the project, or refer to appropriate section in ethics form. |
| Legal basis | Art 6(1)(e), performance of a task in the public interest/exercise of official duty vested in the Controller by Statutory Instrument No. 557 (S76) of 1993 as amended, e.g. for education and research purposes.Where sensitive personal data is being processed the additional bases from Article 9 is:Art 9(2)(j) for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes.*Use of this basis must be accompanied by explanations of:*1. *How the use of data is proportionate to the aim pursued*
2. *What suitable and specific measures are in place to safeguard the fundamental rights and interests of the participants*
 |
| Whose information is being collected | [Student, employee, alumni, etc.] |
| What type/classes/fields of information are collected | [Name, identifying numbers, contact details, sensitive personal data, educational details, financial information, vetting data, etc.] |
| Who is the information being collected from | [From the data subject (directly), named third party, survey distribution company, etc.] |
| How is the information being collected | [In person by the researcher, online form, paper form, recorded interview, etc.] |
| Is personal data shared with externally  | [Data processors, joint controllers, software provider, etc.] *If so a Data Sharing or Processing Agreement must be in place with the required security checks.* |
| How secure is the information | *For the participants use the following statement:* For services provided locally by Information Services, information is stored on servers located in secure University datacentres. These datacentres are resilient and feature access controls, environmental monitoring, backup power supplies and redundant hardware. Information on these servers is backed up regularly. The University has various data protection and information security policies and procedures to ensure that appropriate organisational and technical measures are in place to protect the privacy or your personal data. The University makes use of a number of third party, including “cloud”, services for information storage and processing. Through procurement and contract management procedures the University ensures that these services have appropriate organisational and technical measures to comply with data protection legislation. The University is [Cyber Essentials Plus](https://www.cyberessentials.ncsc.gov.uk/) accredited.*Your research supervisor must be provided with more detail about exactly how you are collecting and storing personal data e.g. method of collection and how this is secured, where the data is stored and how this is secured (encrypted/password protected/etc.), viewed, manipulated, pseudonymised, anonymised, etc. through to secure disposal.* |
| Who keeps the information updated | [Individual has access, researcher/University updates on notification by individual, etc.] |
| How long is the information kept for | [there may be shorter retention periods for voice/image recordings than extracts of transcriptions]*Undergraduate students will normally keep personal data no longer than the end of the examination/ assessment/ appeals process e.g. once the research has been given a final mark.**Postgraduate MSc students may follow the same retention periods as UG students, but depending on the study there may be occasions where it will be longer – your supervisor can advise.**Postgraduate PhD students may have longer retention periods depending on the nature of the study, but, if the research data is being kept for 10 years this does not include personal data which is stored for a much shorter period – please discuss with your supervisor.* |
| Will the data be used for any automated decision making |  |
| Is information transferred to a third country? Outside the EEA and not included in the adequate countries list. |  |
| You can access all the University’s privacy notices using the following link: <https://staff.napier.ac.uk/services/governance-compliance/governance/DataProtection/Pages/statement.aspx> You have a number of rights available to you with regards to what personal data of yours is held by the University and how it is processed – to find out more about your rights, how to make a request and who to contact if you have any further queries about Data Protection please see the information online using the following URL: <https://staff.napier.ac.uk/services/governance-compliance/governance/DataProtection/Pages/default.aspx> |

**Researchers’ checklist for complying with data protection legislation**

(Provide to Research Supervisor for checking prior to project approval)

**Name of researcher: …………………………………………………………**

**Name of research project: …………………………………………………………**

*Guidance for completing the checklist:*

*All statements in the second column must have a corresponding Y, N or N/A in the third column. Y = Yes, I agree that the statement (in the 2nd column) is correct in relation to my research project, and N = No, the statement is not correct in relation to my research project. N/A = Statement is not applicable to the project/study.*

*Please provide comments/further details on the 4th column where required.*

|  |  |  |  |
| --- | --- | --- | --- |
| # | Requirements of the legislation | Y, N or N/A | Comment |
| **A** | **Consider if the project is covered by the provisions of the legislation with regard to processing for archiving purposes in the public interest, scientific or historical research purposes.** |
| i | This information is being used *exclusively* for research purposes |  |  |
| ii | The information is not to support measures or decisions relating to any identifiable living individual |  |  |
| iii | The data is not being used in a way that will cause, or is likely to cause, damage or distress to any data subject or result in a risk to their rights and freedoms |  |  |
| iv | The result/s of the research, or any resulting statistics, will not be available / published in any form that identifies the research participants |  |  |
| **B** | **Principle 1 – Lawfulness, fairness and transparency** |
| i | The legal basis for processing is Art 6(1)(e), performance of a task in the public interest/exercise of official duty vested in the Controller by Statutory Instrument No. 557 (S76) of 1993 as amended, e.g. for education and research purposes. |  | Note: If you do not adhere to the University’s guidance and requirements for the collection, storage and processing of personal data you will be considered the Data Controller and must follow a different process – contact Governance Services. |
| ii | Where special category (sensitive) personal data is being processed the additional bases from Article 9 is:Art 9(2)(j) for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes. |  | *To be completed, if applicable:**Use of this basis must be accompanied by explanations of:*1. *How the use of data is proportionate to the aim pursued*
2. *What suitable and specific measures are in place to safeguard the fundamental rights and interests of the participants*
 |
| iii | You have put additional safeguards in place where processing the personal data of children and vulnerable persons |  | Detail the additional safeguards here, is applicable: |
| iv | You have made provision for providing privacy notices e.g. in/with participant information sheets, in public places, etc. as appropriate |  | Note: The University [template](#_Appendix_1) provided must be used and ideally must be provided to participants on their Informed Consent Form. Discuss any concerns with your supervisor. If it is impossible or would require disproportionate effort to provide a privacy notice you must take guidance from your Programme Leader, Supervisor or the Research Office and provide details relating to the decision not to provide a privacy notice here: |
| **C** | **Principle 2 – Purpose limitation. Collected for specified, explicit and legitimate purposes** |
| i | You have set out the purposes for processing in the Privacy Notice |  | Please provide detail here: |
| **D** | **Principle 3 – Data minimisation. Personal data collected must be adequate, relevant and limited to only that which is necessary to fulfil the purposes for which the data was collected.** |
| i | You have designed your project to only collect the personal data absolutely necessary to meet the aims and objectives of the project (the minimum necessary) |  | Note: Do not collect or keep personal data which is not necessary for your research |
| **E** | **Principle 4 - Accuracy** |
| i | You will take reasonable measures to ensure that the data you collect is accurate |  | Detail how you will achieve this here: |
| ii | Where appropriate and necessary you will put measures in place to keep the data up-to-date |  | Detail the measures here: |
| **F** | **Principle 5 – Storage limitation** |
| i | You have agreed retention periods for the data with your Supervisor and have included this information in your data management plan and privacy notice |  | Detail the retention periods here:Any additional comments: |
| **G** | **Principle 6 – Integrity and confidentiality** |
|  | You have appropriate organisational and technical measures in place, including assessing the security of your work environment and the electronic and manual systems you use, to protect and secure personal data during: |
| i | Collection |  | Please detail the assessment done and the measures in place here: |
| ii | Storage |  | Detail the assessment/measures here: |
| iii | Sharing/transfer |  | Detail the assessment/measures here: |
| iv | Use and re-use |  | Detail the assessment/measures here: |
| v | Deletion/Archiving |  | Detail the assessment/measures here: |
| vi | Are you sharing any personal data with 3rd parties external to the University? |  | Detail the parties and what they are doing with the personal data, including any system or app providers. |
| vii | If the answer to G)vi above is Y, do you have data sharing/processing agreements in place |  |  |
| viii | If the answer to G)vi above is Y, have security checks been completed to ensure those 3rd party/ies comply with Principle 6 |  |  |
| **H** | **Principle 7 – Demonstrating compliance** |
| i | You have records documenting the decisions taken with regards to the processing of personal data which may include a data management plan, data collection form, privacy notice, etc. |  | Please provide a list of records: |
| **J** | **Personal data not to be transferred to 3rd countries/ territory (outwith the EEA and not on the ICO’s ‘**[**adequate**](https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries_en)**’ list) without appropriate and adequate protection – GDPR Chapter V refers** |
| i | You are transferring personal data to a third country or territory outwith the EEA and not on the ‘adequate’ list. |  | Detail which country the data will be transferred to: |
| ii | If the answer to J i above is Y - you have a contract or data sharing agreement in place with the recipient of the data which ensures appropriate safeguards are in place and enforceable data subject rights and effective legal remedies for data subjects are available |  |  |
| iii | You have completely anonymised the data |  |  |
| **K** | **Data subjects are able to exercise their rights** |
|  | You have made arrangements to comply with the individuals’ rights – in particular: |
| i | You have provided privacy notices to provide individuals with details of the processing (Articles 12-14 – right to receive information) |  | Detail the measures here:Note: those marked \* are subject to derogations and may not apply if exercising those rights impairs the research. To be confirmed |
| ii | You will be able to provide an individual with a copy of their personal data being processed, if requested (Article 15 – [subject access](https://staff.napier.ac.uk/services/secretary/governance/DataProtection/Pages/accesspersonalinformation.aspx))\* |  |
| iii | You will rectify, erase, restrict or stop processing of, or destroy data securely, if necessary (Articles 16, 17 & 19, 18 & 19, 21 – Rectification\*, Erasure\*, Restrict processing\* and Object to\*/stop processing respectively) |  |
| iv | You will be able to provide a copy of personal data provided to you, in a machine readable format, if required and provided for by the legal basis for processing (Article 20 – Portability) |  |
| v | You will ensure that no decision which significantly affects an individual is based solely on automated processing or profiling of their data (Articles 4(4) & 22 – Restrict automated decision making with significant effects) |  |
| vi | You will stop using data if it is likely to cause unwarranted substantial damage or distress to any data subject or result in a risk to their rights and freedoms |  |  |
| **L** | **Breach notification** |
| i | You will immediately report any personal data breach or other breach of the legislation to your research supervisor and they will follow University procedures.Definition: ‘personal data breach’ means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed. |  | See section [7.10 online](https://staff.napier.ac.uk/services/governance-compliance/governance/DataProtection/CodeofPractice/Pages/SecurityofPersonalData03.aspx)  |

Note for research supervisors:

* All checklist answers should be Y, apart from J)i & G)vi which should be N
* If J)i & G)vi are marked Y further detail must be given – refer to Governance Services
* N/A answers would only be possible for B)ii & iii, J)ii & iii & G)vii
* If students/researchers have already provided detail in the project Privacy Notice they can point to that in the details/notes column rather than duplicating the wording.

# **ENU_Logo_CMYK[1]**

EDINBURGH NAPIER UNIVERSITY

OATH OF CONFIDENTIALITY – RESEARCH STUDENT

(General Data Protection Regulation and Data Protection Act 2018)

(Provide to Research Supervisor for checking prior to project approval)

|  |  |  |  |
| --- | --- | --- | --- |
| **Full name** |  | **Matriculation No.** |  |
| **Course** |  | **School** |  |
| I acknowledge that for the purposes of my dissertation/research project at the University, I will have access to the personal information of living identifiable individuals. I recognise that I have a duty of confidentiality in relation to this information and am bound by the provisions of the Data Protection legislation and the University’s obligations under the legislation.As a University research student I undertake to: * only ever access and process personal information in order to carry out my research
* never use any such data for any purpose other than to perform my research
* never disclose the data to any other person at the University except where appropriate to my research supervisor and/or other authorised person
* never disclose any data to any individual or organisation external to the University, (other than an external examiner/supervisor as required) in accordance with the legislation
* securely retain the data in both electronic and manual format at all times. Manual/paper records/data to be kept in a locked container and electronic data to be stored only on the University’s ICT network/systems as per guidance provided online at: <https://staff.napier.ac.uk/services/governance-compliance/governance/DataProtection/Pages/ProcessingDataforResearch.aspx> .
* securely dispose of the data in accordance with relevant retention requirements and University policy
* adhere to the obligations set out above and below during my period of research and after it has ended

 I understand that:* disclosure or processing of personal information outside these terms will only take place in consultation with my research supervisor and/or Governance and Compliance Services
* where relevant, I am bound by the University’s Information Security, Manual Data Security policies and Data protection Policy and CoP to which I have been directed (see link above)
* I may be subject to disciplinary proceedings for failing to observe these obligations

  |
| **Signed** |  | **Date** |  |
| **Witness (staff member)**  |
| **Name** |  |
| **School** |  | **Post held** |  |
| **Signed** |  | **Date**  |  |