DMLaw Tool

Guiding Tool for Researchers to Address Legal Aspects in Data Management

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Overview

- Team

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- Expected impact

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- Interviews

- Organisation of results

- Interviews' outcome

- Demonstration - beta version

Team

E LEARNING LAB USI

CCdigitallaw.ch

[PI]²

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SW Development & Graphic Design	**Project Management & Data Collection**	**Legal Team** Copyright Data Protection

Project goal

To develop ….

… a scalable *web-based tool*

… that *guides*

… researchers working in the fields of *humanities & social sciences*

… through the most *relevant legal questions*

… related to *data management*

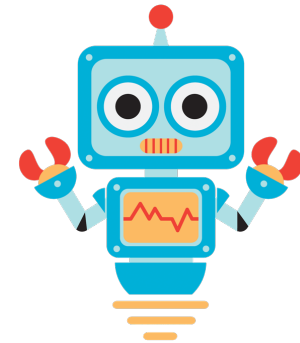… and that proposes different solution approaches during the archiving process in a platform / repository

Expected impact

- *Awareness rising* of legal risks linked to the management of research data

- *More legal safety* - reduced legal risks & avoidance of high penalties

- *Improved explainability* & understanding of legal issues in data mng

- *Systematic approach* on how to deal with legal aspects in data mng

- Avoidance of *reputation* damage

- *Safe costs* for legal assistance

- Ensure reuse of data from a legal perspective

- Legal compliance by design

Key Milestones

JAN   APR   May   JUL   SEP/SEP   OCT   MAR '21
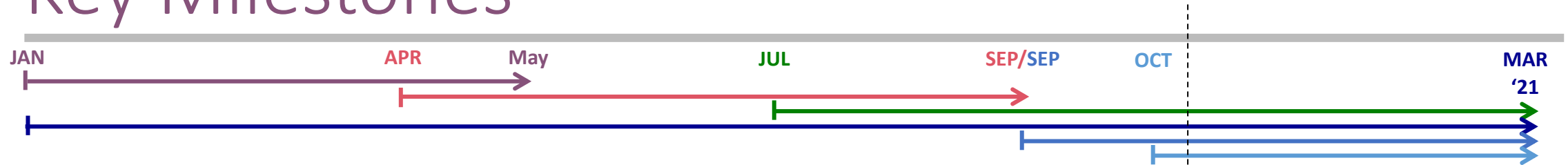
Data Collection & Analysis

- *Interview* people in charge of archiving platforms
- Collect & Analyze **data sets** / DMPs; talk to researchers
- Internal Working doc:
  - emerged legal issues
  - *selection* of most relevant
  - how platforms deal with legal issues

Design of guiding tool

- Develop **solution** approaches
- Design **working mechanism** / structure of guiding tool
- User friendly user-interface

Sw implementation

- **Coding** of tool (English, Open Source, Scalable)
- *Test*

Dissemination Activities

- *Regular Communication* on the Ccdigitallaw platform & its social media channels
- Creation of a **showcase** on Ccdigtiallaw (Webinar)
- Dissemination **event**
- *Inform* research data archiving platforms (humanities & social science) in CH

Interviews

Research Data Archiving Platforms

6 interviews

- *Historisches Lexikon der Schweiz*
- *DODIS* (diplomatic documents)
- *FORS* (data on social science studies)
- *Yareta* (Repository of Geneva's HEIs)
- *Dasch* – 2x (humanities research data)

Others

4 interviews

- 2 *Researchers* working in the field of Social Sciences / Humanities
- 1 Head of *Research Support*
- 1 MA *Student* (thesis on legal framework and licenses for research data mng.)

Interviews' outcome

Copyright
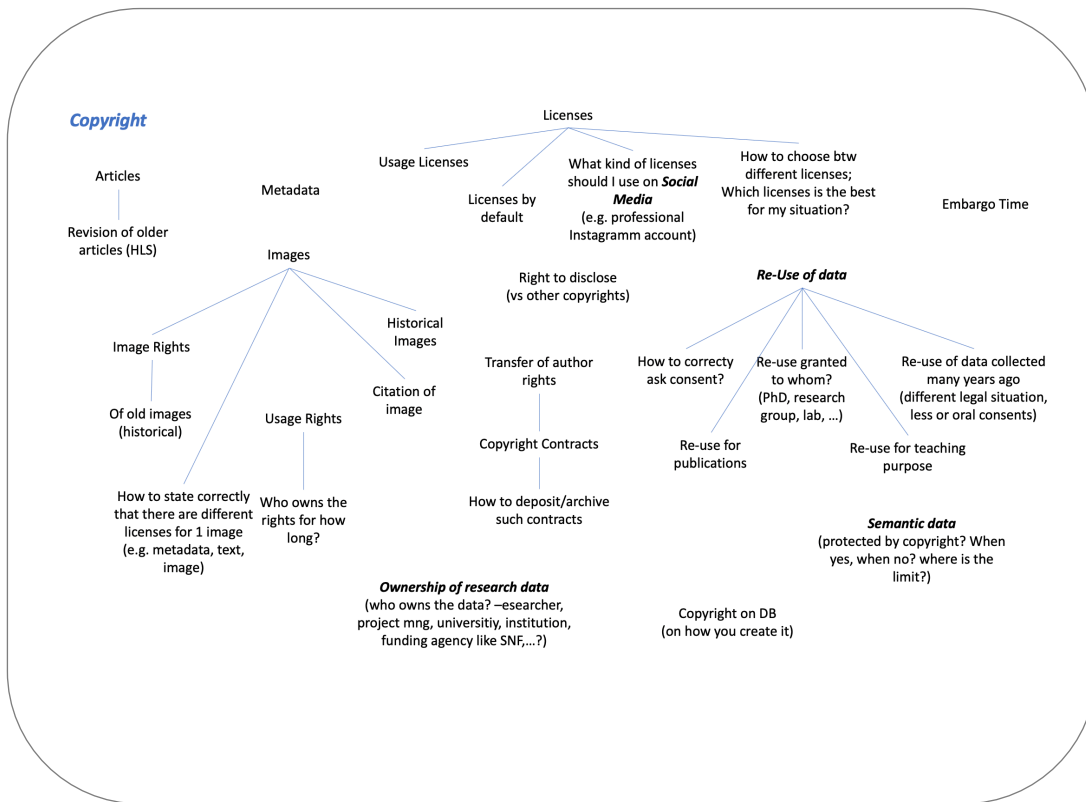
- *Re-use* of data (for *publication / teaching*; of data collecteded *many years ago* - different legal situation, oral consent or less)

- How to choose amog *different licenses*;

- Copyrights of *images*

- *Open access*

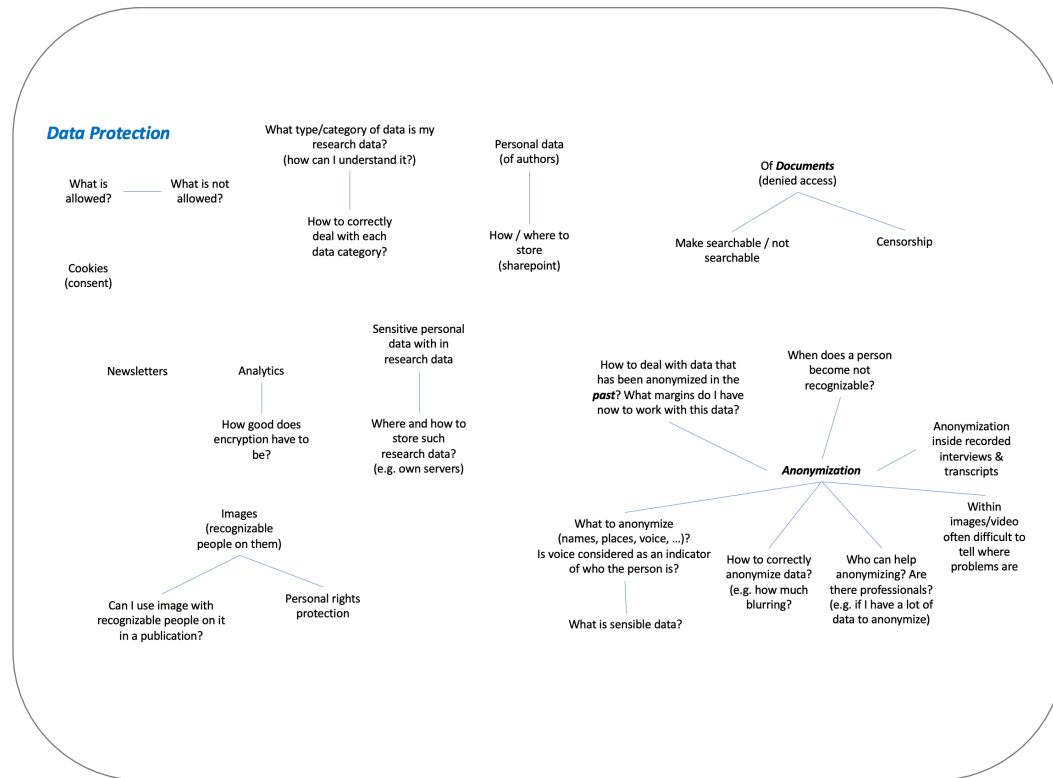# Interviews' outcome

Data Protection

Data Protection

What type/category of data is my research data? (how can I understand it?)

What is allowed? — What is not allowed?

Cookies (consent)

Personal data (of authors)

How / where to store (sharepoint)

Of *Documents* (denied access)

Make searchable / not searchable — Censorship

How to correctly deal with each data category?

Newsletters — Analytics

How good does encryption have to be?

Sensitive personal data with in research data

Where and how to store such research data? (e.g. own servers)

How to deal with data that has been anonymized in the *past*? What margins do I have now to work with this data?

When does a person become not recognizable?

Anonymization

Anonymization inside recorded interviews & transcripts

Images (recognizable people on them)

Can I use image with recognizable people on it in a publication? — Personal rights protection

What to anonymize (names, places, voice, …)? Is voice considered as an indicator of who the person is?

How to correctly anonymize data? (e.g. how much blurring?)

Who can help anonymizing? Are there professionals? (e.g. if I have a lot of data to anonymize)

Within images/video often difficult to tell where problems are

What is sensible data?

- *Anonymization*: When a person is no longer recognizable?

- *Data* vs. *Personal data* vs. *Sensitive* data

- How to correcty ask *consent*?

- How to *store* personal data?

Interviews' outcome

Expectations
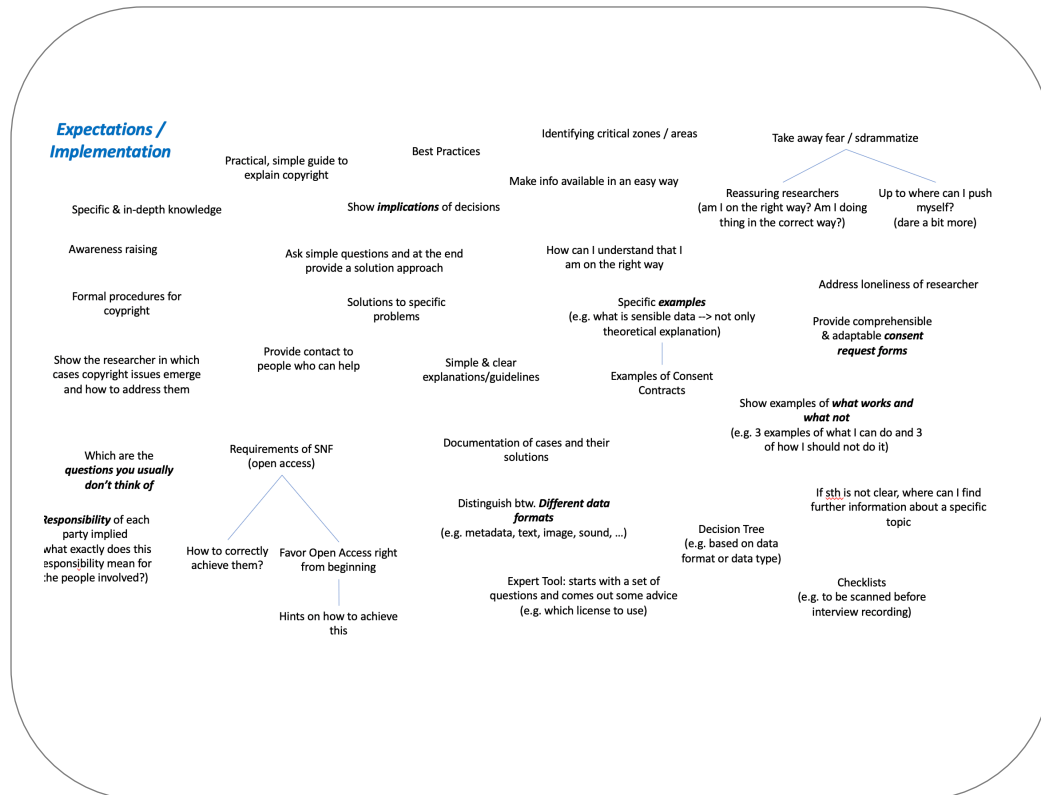
- Take away *fears* (address loneliness of researcher)

- Specific *examples,* not only theoretical explanation

- Best Practices: show what works and *what not* (how I should do it & *how I should not do it*)

- Provide comprehensible & adaptable *consent request forms*

- Where can further information be found?

Demonstration - beta version
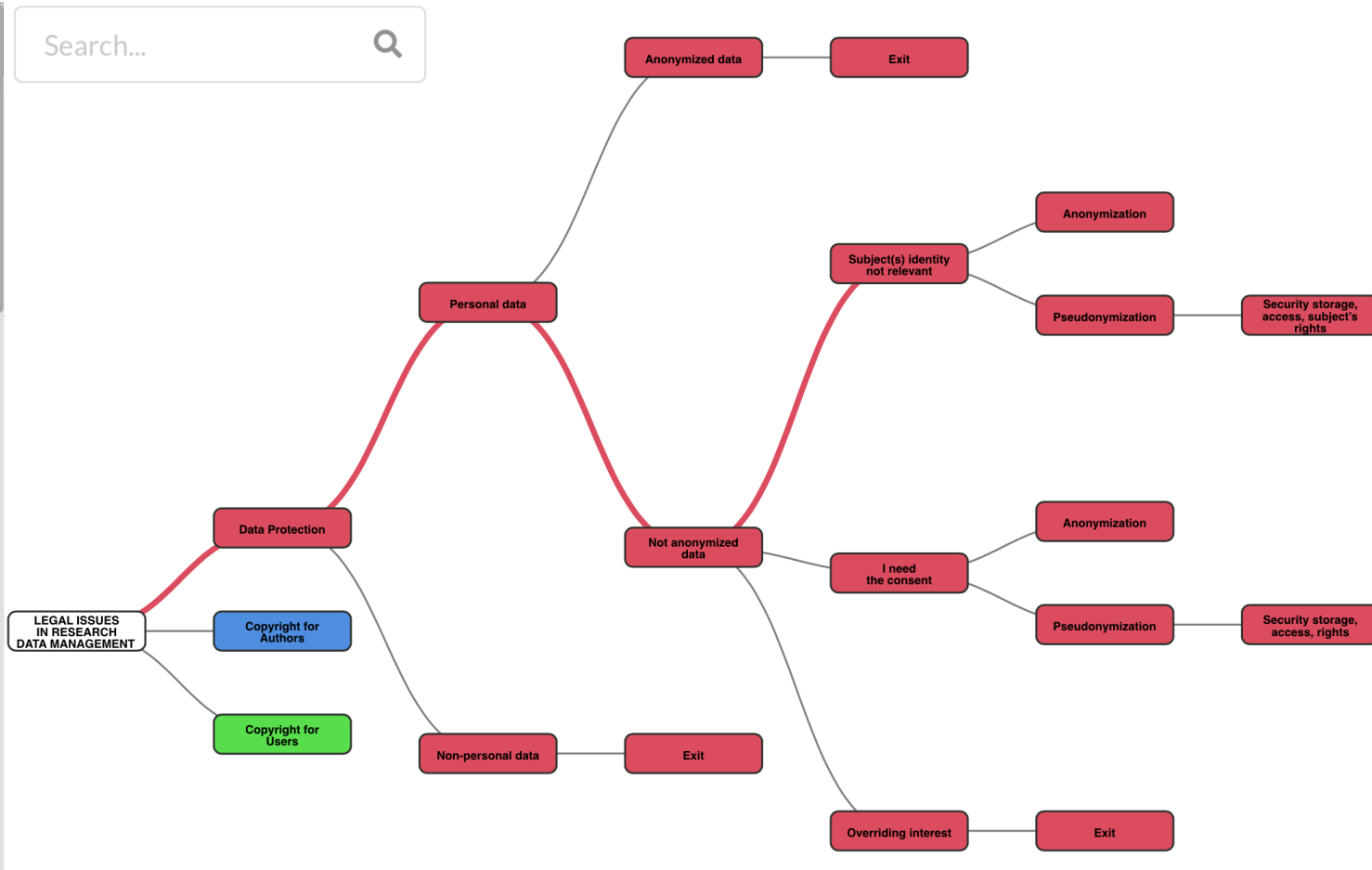
Data Protection

The Choice:

Are you dealing with personal data or non-personal data? When working on personal data, there are a number of things you must consider because you must respect the Data Protection law.
On the other hand, if you work on impersonal data, data related to natural events or objects, thus, data that are not directly nor indirectly related to a specific person, you are not subject to the Data protection law.

Definitions needed to be able to make your choice:

FADP

FADP is the Swiss Federal Act of Data Protection. In this Tool we consider that cases are under the Swiss legislation and this Act applies. Be careful if your case is linked to other countries, other legislations may apply or there may be a conflict of laws.

Data

Data is a unit of information that can, alone or in combination with other pieces of information, be processed, that means collected, stored, analyzed, etc. Information is a broad category of elements that allow you to characterize anything, objects, places, people or events. An information is constituted of data. Whereas data is a precise information related to an object, a place, a person (such as specifically, for example, the measurement of somebody's height).

Search...

- Anonymized data — Exit
- Personal data
  - Subject(s) identity not relevant
    - Anonymization
    - Pseudonymization — Security storage, access, subject's rights
  - Not anonymized data
    - I need the consent
      - Anonymization
      - Pseudonymization — Security storage, access, rights
    - Overriding interest — Exit
- LEGAL ISSUES IN RESEARCH DATA MANAGEMENT
  - Data Protection
  - Copyright for Authors
  - Copyright for Users
- Non-personal data — Exit

DMLawTool

Hello!

Welcome to DMLaw tool, our Data Management Law Tool!

You can explore the DMLaw Tool contents in two ways; either by navigating the tree autonomously, or by letting us guide you through a short set of questions.

Choose the navigation method by pressing one of the buttons below

You can also type "**Start**" at any time to answer to the questions again!

Free   Guided

Type a message...