

SUMMARY

- Transparency is a key element of data protection and individuals have the right to be informed about the collection and use of their personal data.
- Individuals have the right to be informed if an organisation is using their personal data.
- We must provide individuals with information including: our purposes for processing their personal data, our retention periods for that personal data, and who it will be shared with.
- This privacy information should be provided to individuals at the time that we collect their personal data from them.
- If we obtain personal data from other sources, we should normally provide individuals with privacy information within a reasonable period of obtaining the data and no later than one month. This also applies if we collect data from public sources.
- There are a few circumstances when we do not need to provide people with privacy information, such as if an individual already has the information or if it would involve a disproportionate effort to provide it to them.
- Privacy information must be concise, transparent, intelligible, easily accessible, and it must use clear and plain language.
- It is often most effective to provide privacy information to people using a combination of different techniques including layering, dashboards, and just-in-time notices.

The right to be informed

The UK GDPR gives individuals ‘the right to be informed’. This is a key element of the transparency requirement of data protection legislation and requires organisations to provide individuals with clear and concise information about how personal data is used. This applies to research activities just as it does to other University data processing.

Providing privacy information allows individuals to exercise other rights and builds trust between individuals and the organisation. Failure to comply can lead to fines and reputational damage. If privacy information is not clear, we are more likely to receive queries and complaints from individuals.

When do we need to provide privacy information?

GDPR requires that data subjects are given information about how their personal data will be processed:

- at the point of data collection - where collecting data directly from the individual; OR
- soon after receipt of the data (i.e. within 1 month) - where data has not been obtained directly from the data subject.

However, the UK GDPR recognises that organisations may have difficulty providing privacy information to individuals when the data is received from another organisation, rather than directly from the individual and that this is especially likely to arise in a research context because the data may have originally been obtained some time ago by another organisation.

There is an exemption where the provision of such information proves impossible, would seriously impair the objectives of the research, or would involve a disproportionate effort, in particular for research activities, but this

ONLY applies where the personal data is obtained from another source and not when data is collected directly from the individual. This is not an automatic or blanket exemption for research.

If providing privacy information would involve disproportionate effort, we should:

- Publish the privacy notice, e.g. on our website; AND
- Carry out a Data Protection Impact Assessment (DPIA).

What do we need to tell data subjects?

- The purposes of the processing.
- The categories of personal data obtained (if the personal data is not obtained from the individual it relates to).
- The recipients or categories of recipients of the personal data.
- The retention periods for the personal data
- The details of transfers of the personal data to any third countries or international organisations (if applicable).
- The source of the personal data (if the personal data is not obtained from the individual it relates to).
- The right to withdraw consent (if applicable).
- The details of whether individuals are under a statutory or contractual obligation to provide the personal data (if applicable, and if the personal data is collected from the individual it relates to).
- The details of the existence of automated decision-making, including profiling (if applicable)
- **The lawful basis for the processing.**
- **The rights available to individuals in respect of the processing.**
- **The right to complain to the ICO.**
- **The name and contact details of the University and the Data Protection Officer (DPO).**

The University has a corporate Privacy Notice which includes general information about academic research activities and covers the final 4 bullet points in the list above. Researchers can either include project-level privacy information in their participant information sheet to cover the other requirements/bullet points or create separate privacy information. [Privacy Notice for Research Participants | Sheffield Hallam University \(shu.ac.uk\)](#)

How do we provide Privacy Information to data subjects?

- Put yourself in the position of the people you're collecting information about.
- If possible, carry out user testing to evaluate how effective the privacy information is.
- Once a data subject has read the notice, nothing that we do with their personal data should be unexpected

Information for data subjects should be:

- ✓ concise
- ✓ transparent
- ✓ intelligible
- ✓ easily accessible
- ✓ written in clear and plain language – appropriate to the intended audience/data subjects

Choose the most appropriate format and use a combination of appropriate techniques. The ICO recommends:

- **A layered approach** – short notices containing key privacy information that have additional layers of more detailed information.
- **Dashboards** – preference management tools that inform people how you use their data and allow them to manage what happens with it.
- **Just-in-time notices** – relevant and focused privacy information delivered at the time you collect individual pieces of information about people.
- **Icons** – small, meaningful, symbols that indicate the existence of a particular type of data processing.
- **Mobile and smart device functionalities** – including pop-ups, voice alerts and mobile device gestures.

Think about the best way to get the message across to your research participants and data subjects depending on who they are and how you are interacting with them. Examples:

- Information on the research centre website;
- Information or a link to information in an email ;
- Printed information to send to a participant or for them to take away;
- A poster or notice in a room;
- Information on an online survey tool;
- A video;
- A script or presentation to deliver information verbally.

If you obtain personal data from publicly accessible sources:

The ICO advises:

- You still have to provide people with privacy information, unless you are relying on an exception or an exemption.
- If you think that it is impossible to provide privacy information to individuals, or it would involve a disproportionate effort, you must carry out a DPIA to find ways to mitigate the risks of the processing.
- Be very clear with individuals about any unexpected or intrusive uses of personal data, such as combining information about them from a number of different sources.
- Provide people with privacy information within a reasonable period of obtaining the data, and no later than one month.

ICO Guidance:

ICO Guidance on the research exemptions: <https://ico.org.uk/for-organisations/guide-to-data-protection/key-dp-themes/the-research-provisions/exemptions/>

ICO Guidance for organisations: [Right to be informed | ICO](#)

ICO Guidance for individuals: [Your right to be informed if your personal data is being used | ICO](#)

Further Information and Support: Information Governance Team

Sharepoint: <https://sheffieldhallam.sharepoint.com/sites/3037/SitePages/Information%20Governance.aspx>

Email: DPO@shu.ac.uk