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Guidance document: DPIA process in research, roles and tasks

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Introduction to the guidance document

A Data Protection Impact Assessment (DPIA) is a method to build and demonstrate compliance with the GDPR and related legislation. To guarantee academic freedom, enhance the agency of the researcher, and apply for the exceptions for research recognized in the GDPR, it is important that shared internal responsibilities are in place.

The multistakeholder DPIA method adopted by the University of Groningen guarantees the contribution of different fields of expertises, providing a flexible, yet structured method to clarify internal responsibilities.
The multistakeholder team analyses the intended processes and identifies possible risks to the rights and the freedom of the participant in the research project—the team designs and documents the measures needed to eliminate or mitigate the risks.

A DPIA focuses on a specific research scenario. As reference it can have an added value for policy developments and clarifying internal responsibilities related to the responsibility of the Deans for research policy and the tasks and responsibilities of support services. The measures defined in the DPIAs need to be embedded into the existing legal and ethical frameworks to codify responsibilities within the university context.

This guidance document identifies the stakeholders' roles in the DPIA process, defines their roles and outlines the main steps of the DPIA process [1]. This document is built upon the UG DPIA protocol[2].

[1] This guidance does not apply to research projects carried out at UMCG.

[2] https://myuniversity.rug.nl/infonet/medewerkers/faciliteiten-voorzieningen/privacy-security/privacy/modellen-en-templates/content-fragments/ug-dpia-protocol-eng-versie-2.pdf

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Roles and tasks

Based on previous DPIAs, the legal framework for responsibilities in research and ongoing discussions about new roles, the following roles and tasks are identified.

Researcher

- Responsible for demonstrating that they implemented the measures as defined in the DPIA.
- Participate in the DPIA process, providing information (including Data Management Plan DMP) and contributing to the documentation of the DPIA report.
- Contact P&S coördinator in case of changes within the research related to the measures designed in the DPIA process
- Includes a representative of the data subject in the DPIA process.

Supervisor (in case of PhD researcher)

- Participate in the DPIA process, providing knowledge on discipline-specific methods and techniques, and best practices.
- Responsible for supervising the PhD candidate during the DPIA process.

Ethics board

- Can ask the researcher to undergo a preliminary assessment if a DPIA is necessary or advisable.
- May be invited to participate in an advisory role in the DPIA (provide discipline-specific guidance).
- In all other cases, the chair of the EC will be informed in advance.
- Represents interests of the data subjects see art 35 (9) GDPR.
- Advises the dean of the faculty regarding ethics and privacy.

Data subject

- Gives opinion on intended processing related to independence of commercial interests, public interests and security measures see art 35 (9) GDPR.
- Representatives of participant groups or members of ethics boards can fulfill this role.

P&S coordinator

- Coordinates the DPIA process (contact relevant stakeholders, organize DPIA session)
- Represents the dean of the faculty regarding policies on Privacy & Security.
- Informs the Dean about the DPIA (communicate about the results of the DPIA)
- Asks the advice of the DPO in the light of article 35 (2) GDPR.
- Gives advice on faculty measures, protocols, policy, and discipline-specific guidance documents.
- Makes sure risks and measures are documented
- Checks that the measures defined in the DPIA are implemented.
- Stays in contact with the researcher in order to evaluate whether changes need to be made to the DPIA or a follow-up DPIA is necessary.

DCC consultant

- Gives advice on technical and organizational measures
- Maps the processing of data within a research project by making a data flow diagram with the researcher
- Contributes to the documentation of technical and organizational measures in the DPIA report.
- Asks the advice of the DPO in the light of article 35 (2) GDPR.
- Knowledge building: translates the technical and organizational measures into best practices that could be used by other researchers in similar research scenarios and for educational purposes.

Information Security Officer

- Participates in an advisory role in DPIAs that are performed under the responsibility of the UG.
- May be invited to participate in the DPIA team.
- Collaborates with Privacy & Security coordinators, DPO, ABJZ and DCC.
- Gives advice to the Privacy & Security coordinators, DPO and ABJZ about taking appropriate technological and organizational measures.
- Supports in identifying security risks that have to be treated separate from privacy risks.

ABJZ (legal) consultant

- Clarifies relevant regulation in preparation phase, including description of the purpose and applicable legal groundand an analysis of possibly relevant exceptions for research.
- Advices on responsibilities for the parties involved in the data processing.
- Provides feedback on the DPIA report.
- Supports researcher in the preparation of data processing agreements or other contracts.
- Discuss current DPIA cases and contribute in the knowledge building in the regular meetings with DCC.

Data Protection Officer (DPO)

- Gives advice on research scenarios for which a DPIA would be advisable and the need for building blocks of measures.
- Joins the intake and can give advice from his advisory role as stated in the GDPR.
- Provides feedback on the DPIA report.

Domain Talent Funding and Quality within Cluster Research & Impact of University Services

- The relevant policy advisor from the Domain Talent Funding and Quality within the Cluster Research & Impact ensures that measures related to services for data management, research policy and interfaculty research institutes are discussed within University Services as well as with the College of Deans.

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Phases of the DPIA process

The DPIA process is divided into four phases based on the Fraunhofer model[3].

In general, a DPIA process can be initiated via several paths, such as:

(i) Researcher contacts GDCC or, in case of the Faculty BSS, Research Support BSS;
(ii) Researcher is in contact with ABJZ (Legal affairs) concerning privacy issues;
(iii) P&S coordinator in the faculty advices the researcher to do a DPIA;
(iv) Ethics Commissions (EC) can ask the researcher to undergo a preliminary assessment if a DPIA is necessary or advisable.

In all paths the P&S coordinator, GDCC and ABJZ consult each other during regular DCC - ABJZ meetings to give a preliminary assessment if a DPIA is necessary or advisable.

I. Initiation phase
This phase aims to clarify whether a DPIA is necessary.

	Description	**Role and tasks**
I.I	Collect project information (RDMP, project proposal, info from processing register)	Researcher provides to the P&S coordinator and the DCC consultant the project proposal, RDMP and info from the processing register. DCC consultant supports the preparation of the RDMP.
I.II	Preparation (intended) dataflow	DCC consultant in collaboration with the researcher draft the first version of the intended dataflow
I.III	First evaluation concerning the legal ground, the application of exceptions for research purpose (Art. 89), the necessity and specific legal issues	ABJZ (legal) consultant

[3] Practitioners' manual helps companies and public authorities conduct data protection impact assessments - Fraunhofer ISI and Michael Friedewald, Ina Schiering, Nicholas Martin,
and Dara Hallinan, Data Protection Impact Assessments in Practice Experiences from Case Studies, S. Katsikas et al. (Eds.): ESORICS 2021 Workshops, LNCS 13106, pp. 424–443, 2022.

I.IV	Preliminary assessment to decide whether to give the advice a DPIA is needed.	P&S coordinator, DCC in discussion with ABJZ consultants and DPO during regular DCC - ABJZ meetings.
I.V	Communication the advice to the researcher	P&S coordinator
>> This phase concludes with advice about the necessity of carrying-out a DPIA or not is taken. If the DPIA is not needed but the team identify possible risks:		
I.VI	The researcher is responsible for the implementation of measures. The measures have to be described in the RDMP.	P&S coordinator and DCC consultant advise the researcher about proper measures. Researchers implement the measures and describe them in the RDMP.
>> If the DPIA is needed the process continues to phase II.		
I.VII	Registration of the "case" in an internal document/system at the DCC.	DCC consultant

II. Preparation phase

This phase aims to collect all the information needed to describe the intended processing operations and to plan the execution phase.

	Description	**Role and tasks**
II.I	Explain DPIA method, the process and the roles/responsibilities to the researcher.	P&S coordinator and DCC consultant
II.II	Definition of the DPIA team. Define/agree on a time frame / deadlines on the process	P&S coordinator, DCC consultant in collaboration with the researcher defines the DPIA team. It is good practice to involve an ethics board member in the DPIA process.
II.III	Prepare a draft version of section A of the DPIA report.	Researcher, DCC consultant, P&S coordinator.

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III. Execution phase

Based on the information collected in the DPIA preparation phase the DPIA team conducts the risk analysis and defines measures to mitigate the risks.

	Description	Role and tasks
III.I	Stakeholders do an assessment of the risks and measures envisaged to address the risks according to section B of the DPIA report.	DPIA team
III.II	For follow-up, stakeholders agree to do the actions to explore risks and measures as they agreed upon and add this to the DPIA report.	DPIA team
III.III	Stakeholders evaluate who should be accountable for which specific measures.	DPIA team
III.IV	DPO Provides feedback on the DPIA report.	DPO
III.V	Implements feedback of DPO on DPIA report	DPIA team
III.VI	Provide final version of the report to ABJZ, DPO and DCC	P&S coordinator
III.VII	Communication of the DPIA report to the ethics board and either to the Dean or to the Research Director (depending on the organizational structure of the faculty).	P&S coordinator

IV. Implementation phase

This phase aims to implementation of the mitigation measures

	Description	**Role and tasks**
IV.I	The RDM is updated with the measures defined in the DPIA.	Researcher
IV.II	Implementation of the measures	Researcher is responsible for the implementation of the measures and to report to the P&S coordinator in case of problems. P&S coordinator in collaboration with DCC consultant supports the research in the

		implementation and connects the research team with the relevant stakeholders. ABJZ consultant supports the process for the preparation of the data processing agreement or other legal documents.

V. Sustainability phase

This phase includes the monitoring of the implementation phase, the identification of deviations or changes and the definition of adjustments. Depending on the size of deviations or changes potentially repeat phases II to IV.
This phase also aims to build and disseminate knowledge among stakeholders, develop and update policies and best practices related with data processing in research.

	Description	**Role and tasks**
V.I	Check that the measures are implemented and stay in contact with the researcher in order to evaluate whether changes need to be made to the DPIA or a follow-up DPIA is necessary.	P&S coordinator
V.II	Check the information in the processing register.	ABJZ
V.III	During the regular meetings between ABJZ and DCC the current state of affairs of the DPIAs and priorities will be discussed with the Domain Talent Funding and Quality within the Cluster Research & Impact of University Services.	DCC consultant coordinates the regular meetings with ABJZ and involve other stakeholders when needed.
V.IV	Knowledge dissemination of DPIA report during P&S coordinator meeting	DCC consultant
V.V	Develop and update research scenarios based on the DPIA measures.	DCC consultant
V.VI	Evaluation of the process and ways to safeguard lessons learned (publications, advice on policy, internal knowledge dissemination).	DCC consultant and P&S coördinator.
V.VII	Measures related to services for data management, research policy and interfaculty research institutes will be discussed with the University Services and the College of Deans.	Domain Talent Funding and Quality within Cluster Research & Impact of University Services.

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