

Collaboration with an external organization

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Introduction

Based on a frequently occurring case in the Research Institutes for Education and Psychology, the Digital Competence Centre (DCC) has developed a guide in collaboration with the Department of General and Legal Affairs (ABJZ) and the Faculty of Behavioural and Social Sciences (BSS). This guide contains points for attention that can support researchers in setting up a (long-term) collaboration with an external organization where personal data is processed and exchanged in the context of scientific research.

There are many cooperative relationships with external organizations at the University of Groningen. This involves joint research with and sometimes also teaching within the professional field. By documenting the agreements about working with personal data in a data management plan, responsibilities are clear for everyone. In addition, this makes efficient and responsible cooperation possible.

Setting up such a collaboration can take a long time depending on the complexity of the collaboration (e.g. multiple collaboration partners), the type of data (e.g. processing with [special categories of personal data](#)), the organization with whom you collaborate, and whether students are involved. **Allow enough time for this (four to six months).**

This guide is specifically intended for the collection of research data where the ground for using the data is informed consent. If you wish to collect personal data on different grounds, it is important to obtain legal advice via a Data Steward of the DCC or the Privacy & Security Coordinator of your faculty at an early stage. An example of how this can go wrong can be found [here](#).

Example: Collaboration between UG and a mental healthcare institution

A mental healthcare psychologist is going to do their PhD research at the UG. The PhD student will conduct the research on patients at a mental healthcare institution under the supervision of a professor at the UG. Since the patients are already familiar with the institution, it was decided to let the mental healthcare institution be the point of contact for the patients should they have questions or complaints about the research. The intention is that researchers at both the mental healthcare institution and the UG contribute ideas about the study design, the analyses that are carried out, and the ensuing results. All stakeholders contributing substantially to the research are included as co-authors in the article.

The data contain special categories of personal data (health data) and are difficult to anonymize given their nature (video recordings of treatments). After the data have been collected, they are stored on the UG's systems. That is also where the analysis is done.

During the project, it is possible that students will be used to code and possibly collect additional data. The PhD student will supervise them in their work and the writing of their theses.

Problem outline: A collaboration will be started between the UG and a mental health institution. Different stakeholders are involved at different times in the research at both the UG and the mental health institution. It is not entirely clear who is responsible for the research and the rights of those involved.

Question: How can it be ensured that the parties' responsibilities within the research are clarified and laid down? And how can it also be ensured that those responsible (including researchers, Research Director, Data Protection Officer) feel responsible and can influence agreements that are made within the collaboration?

Possible solution: Agreements & Data Management

Researcher's help request

I would like to start a research collaboration with an external organization. What do I have to do?

Possible solution

It is important that agreements are made at several levels when collaborating with an external organization in the context of scientific research in which personal data is processed. In this case, a multi-agreement solution is used.

- 1) First of all, there must be a **general collaboration agreement** with the institution. In this agreement, agreements are made about general liability, payment (for example, in the case of an external PhD student), and ownership of the project results.
- 2) When personal data are also processed within the collaboration, a **collaboration agreement for processing personal data for a specific scientific study** can be drafted. This agreement is intended to clarify responsibilities regarding processing personal data within this collaboration and to agree on appropriate measures, which are described in a data management plan.

The following appendices must be included in this agreement:

- The research programme or project
 - The data management plan
 - The data which are intended to provide the internally responsible person with an overview of the processing of personal data.
- 3) If students are involved in the project then it is important to make agreements about this with the external organization. These agreements can be documented in a **placement agreement**. Please contact the placement coordinator for information about the workflow and support in making these arrangements.

Workflow

If you are not sure whether you should start a collaboration according to this scenario, please contact the DCC as soon as possible (dcc@rug.nl). They can help you to assess your project and work with you to determine the agreements you need to make with your collaboration partner.

The workflow below then provides guidelines for clarifying responsibilities within a collaboration, making agreements with your collaboration partner, and finding the right support in setting up the collaboration.

1. Collaboration agreement

A general collaboration agreement with the institution must be drafted. In this agreement, agreements are made about general liability, payment (for example, in the case of an external PhD student), and ownership of the project results.

Who should sign the agreement?

- The Managing Director of your faculty
- The PI and/or Research Director can also sign (if desired), but this is not required.

Where can I go for support?

1. A legal adviser from the private law division of ABJZ can support a researcher from the UG in drafting a general collaboration agreement. You must always ask your faculty contact person to contact ABJZ, to do this on your behalf. This may be the project controller, for example, or the funding officer, project manager, or business coordinator (FSE).
2. Once the agreement has been approved by the legal adviser, it can be sent to the secretariat of your Faculty Board. The secretariat will present the agreement to the Managing Director for signing. To avoid delays, it is important to indicate in the email which legal adviser has approved the agreement.

2. Collaboration agreement processing personal data for a scientific study

When collaborating with an external organization, there is often joint responsibility for processing personal data. In that case, the GDPR requires that the responsibilities are clarified in a regulation and that the essence is communicated to those involved. This is possible within a collaboration agreement processing personal data for a specific scientific study.

In the agreement with appendices, it can be clarified:

1. Which party or parties will ensure the application of the [rights of data subjects](#) (articles 12 to 23 of the GDPR)? The different rights may be divided between the parties, but it must be clear to those involved where they can go for requests.
2. Which party/parties is/are responsible for taking appropriate technical and organizational security measures for which processing (Article 32 of the GDPR)?
3. Which party/parties is/are responsible for entering into processing and other agreements with which processors (Article 28 of the GDPR)?

The agreement forms the legal framework for the agreements regarding the processing of personal data between the UG and the collaboration partner.

Who should sign the agreement?

- The Managing Director of your faculty
- The PI and/or Research Director can also sign (if desired), but this is not required.

Where can I go for support?

1. If the UG is the lead party of the programme/project, then the UG will take the initiative in drafting the collaboration agreement. If the partner organization is the lead party, then the UG will follow the partner's proposal.
2. Drafting such an agreement is complex, and therefore, it is wise to get the P&S Coordinator and a legal adviser involved at an early stage. Please contact the DCC (dcc@rug.nl) or P&S Coordinator of your faculty about this.
3. In any case, please contact the P&S Coordinator before having the agreement signed so that the agreement can be checked by a legal adviser before it is submitted for signing.
4. Once the agreement has been approved by the legal adviser, it can be sent to the secretariat of the Faculty Board. The secretariat will present the agreement to the Managing Director for signing. To avoid delays, it is important to indicate in the email which legal adviser approved the agreement, and who your contact person was at the DCC.

Appendix A: The research program

A description of the collaboration must be included in this appendix. It should include at least the following topics:

1. the start date of the collaboration
2. the reason and purpose of the collaboration regarding the use of personal data in the context of scientific research
3. any processors that will be used in the collaboration, and who is responsible for entering into processing agreements with these parties

Appendix B: The data management plan

The data management plan is included in this appendix. Identify how there is collaboration during the entire research [data life cycle](#): Who is responsible at what time for what processing with which data? Based on this overview, appropriate technical and organizational measures can be taken to protect the rights of data subjects.

Tips & tricks

1. Ensure that the research programme and the data management plan are concise but fully elaborated. The contract forms the legal basis of the agreement that is entered into with the external organization, but ultimately the project proposal and the data management plan form the basis of the research to be carried out, and the practical agreements made between the UG and the external organization.
2. Where possible, use the templates of your faculty. Funder templates are often not detailed enough.
3. Work out the data management plan as a manual, in which it is clear which steps have to be followed during the research and who is responsible for them. This prevents mistakes, and ensures that everyone knows what is expected of them. This manual can also serve as a basis for the instruction of students involved in the

project.

4. Think not only about data management during the project but also about what will happen to the data after the project is over.
 - a. Is it possible to make the data collected during the project available for follow-up research? Possibly with restrictions?
 - b. Where are the data archived? And for how long?

Where can I go for support?

1. It is a good idea to make an appointment with a Data Steward of DCC (dcc@rug.nl) to examine whether the measures you have drawn up in the data management plan can be accepted as appropriate measures in the context of the General Data Protection Regulation (GDPR), and the data management policy of your faculty ([link](#)) and the University of Groningen ([link](#)).
2. When creating a data management plan, it is easy to overlook certain processing operations that may pose a high risk. A Data Steward of the DCC (dcc@rug.nl) can support you in creating a data flow diagram to identify processing operations, and to clarify responsibilities of the parties involved properly.
3. The Data Steward of the DCC (dcc@rug.nl) can also advise on existing sets of appropriate measures and possibly help to find discipline-specific best practices.

Appendix C: Registration of responsibilities for processing of personal data

Article 30 of the GDPR stipulates that each controller, in this case, the university, keep a register of the processing activities that take place under their responsibility. In **Appendix C** of the agreement, an overview must therefore be included in this processing register. This appendix contains information about:

- processing activity
- responsible department or faculty
- responsible process owner
- number of people with access
- purpose of the processing activity
- legal basis
- persons involved
- number of people involved
- type of data
- retention period
- contact details in case of data breaches

Where can I go for support?

1. The information that must be included in this appendix is generally apparent in most cases from the research programme and the detailed data management plan. The DCC (dcc@rug.nl) can assist in the development of this appendix.