



Ethics and Legality in the
Digital Arts and Humanities

ELDAH working group meeting

8 April 2020, 10-11 a.m., on Zoom

Vanessa Hanneschläger, Koraljka Kuzman Šlogar, Walter Scholger

Welcome!



Schedule

- report on last year's activities
- introduction to the plan for this year's activities
- current developments in DARIAH
- more active involvement of WG members
- DARIAH annual event
- miscellaneous
 - followed by the CFW hands-on testing workshop!

➤ report on last year's activities

report on last year's activities ([DARIAH wiki](#))

ELDAH activities and progress in 2019

ELDAH WG meetings

- WG meeting at DARIAH annual event in Warsaw (17 May 2019)
- [WG meeting](#) during "DARIAH week" in Zagreb (8 November 2019)

Organized events

- [Copyright and Humanities Research: A Global Perspective](#) (DH2019 pre-conference workshop with open [CfP](#) and contributions from 3 continents)
- Ethical and legal considerations in obtaining, sharing and reusing data from human participants (Workshop in cooperation with DARIAH's Open Science Officer Erzsébet Tóth-Czifra at DARIAH annual event)

Posters, presentations

- Vanessa Hanneschläger & Walter Scholger: "Legally published: Copyright Issues and Open Licensing in the Humanities". Hands-on session at "[How to make the most of your publications in the Humanities? Discover evolving trends in open access](#)" (FOSTER Plus, DARIAH-EU), Humboldt University Berlin (21 January 2019) [[slides](#)]
- Koraljka Kuzman-Slogar & Walter Scholger: Ethical and legal considerations in obtaining, sharing and reusing data from human participants. Workshop. [DARIAH annual event 2019](#), Warsaw (16 May 2019) [[slides](#)] [[data protection / GDPR](#)]
- Vanessa Hanneschläger, Koraljka Kuzman-Slogar & Walter Scholger: Addressing Ethical and Legal challenges in digital humanities scholarship. Poster. [DARIAH annual event 2019](#), Warsaw (15 May 2019) [[pdf](#)]
- Vanessa Hanneschläger, Koraljka Kuzman-Slogar & Walter Scholger: Addressing Ethical and Legal challenges in Digital Humanities scholarship. Poster. [DH 2019](#) conference, Utrecht (11 July 2019) [[pdf](#)]
- Vanessa Hanneschläger & Walter Scholger: Open Science Basics: Copyright and Licensing. [ACDH ToolGallery 5.2: Open Science for DH Scholars](#), Vienna (22 October 2019) [[slides](#)] [[Video: Open Science Basics: Copyright and Licensing](#)]
- Walter Scholger: Copyright and (open) licensing in the Digital Humanities. Workshop. [DESIR Winter school 2019: Shaping new approaches to data management in arts and humanities](#), Lisbon (12 December 2019) [[slides](#)] [[Video: Copyright and \(Open\) Licensing](#)]

Outreach activities

- continuous hosting and publication of new entries on the [ELDAH blog](#)
- set-up of the [ELDAH twitter](#)
- set-up of the [ELDAH YouTube channel](#) and publication of 2 videos



- introduction to the plan for this year's activities

plan for this year's activities ([DARIAH wiki](#))

ELDAH's plans for 2020

- development and implementation of the [DARIAH ELDAH Consent Form Wizard \(CFW\)](#). - beta-version (at least!) of the tool will be available online at time of the DARIAH annual event 2020 in Zagreb, Croatia
- [Putting data protection into practice: The DARIAH ELDAH Consent Form Wizard](#) (planned workshop at ICARUS conference in Rijeka, Croatia in March; cancelled/postponed due to COVID-situation)
- [Addressing legal and ethical dimensions of the processing of personal data in research contexts: The ELDAH Consent Wizard as a tool for fostering best practices for consent and transparency in DH](#) (planned workshop at DARIAH annual event 2020 in May in Zagreb, Croatia)
- WG meeting at DARIAH-EU annual event 2020 in May in Zagreb, Croatia, second WG meeting in the second half of the year (tba)
- Poster about the "Consent Form Wizard" project at DARIAH-EU annual event 2020 in May in Zagreb, Croatia
- Forum "Sharing is Daring: Global Copyright Laws, Knowledge Protection, and the Impact on Open Digital Humanities" with contributors from 4 continents at ADHO DH2020 conference in Ottawa, Canada
- Poster "The DARIAH-EU ELDAH consent form wizard" at DH2020 conference in Ottawa, Canada
- Consent Form Wizard final dissemination workshop in Zadar, Croatia on 13th of October (in cooperation with SSHOC and University of Zadar)



- current developments in DARIAH
- more active involvement of WG members
- DARIAH annual event → **moved to November!**
- miscellaneous



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Digital Arts and Humanities

ELDAH online

on the DARIAH website

Blog

YouTube

Twitter (@ELDAHdariah)

eldah@dariah.eu





VIRTUAL WORKSHOP

Putting data protection into practice: The DARIAH ELDAH Consent Form Wizard

8 April 2020, 11 a.m. - 1 p.m., on Zoom

Vanessa Hanneschläger, Pawel Kamocki,
Koraljka Kuzman Slogar, Walter Scholger

Welcome!

Schedule

- introduction to the workshop, overview
- short introduction to the GDPR by Pawel Kamocki
- group discussion: Identification of most common data privacy issues in humanities research
- introduction of the CFW prototype: Scenarios, consent form templates, wizard functionality
- CFW prototype testing by participants
- feedback round





- short introduction to the GDPR
by Pawel Kamocki (Leibniz-Institut für Deutsche Sprache)

You must have heard of...

EN: GDPR

BG: OPЗД

CZ: ONOOÚ

DE: DSGVO

ES/FR/IT/PT: RGPD

NE: AVG

PL: RODO

SV: DSF

It's not (completely) new

- **1970s: first national Data Protection Acts in Germany, Sweden and France**
- **1980: OECD Privacy Guidelines (non-binding)**
 - foundation of data protection principles (consent, notice, security, purpose...)
- **1981: Council of Europe's Convention '108' (binding)**
 - broad concept of personal data, minimisation, storage limitation, rights of data subjects
- **1995: EU Personal Data Directive (deadline for transposition: 1998)**
 - obligation to create independent Data Protection Authorities in every Member State
- **2016: EU General Data Protection Regulation**
 - entry into application: 25 May 2018
 - direct effect in the Member States (national laws do not 'transpose' but 'complete')
- **special rules on electronic communications, 'police and justice'**

Basic Concepts in Data Protection

personal data: any information relating to an identified or identifiable natural person

- any information (regardless of its nature, format and content)
- relating to (by content, purpose or result)
- identified or identifiable (by any means ‘reasonably likely to be used’)
- natural person (living individual, ‘data subject’)

special categories: health, sex life, trade union, political views, religion/beliefs, biometric/genetic

anonymised data: the data subject cannot be identified ‘by any means reasonably likely to be used’

- permanent and irreversible; GDPR does not apply

pseudonymisation: separation and secure storage of identifying elements

- reversible (GDPR still applies), but constitutes a safeguard

data controller: person or entity who defines purposes and means of processing

data processor: processes data on behalf of the controller

GDPR Data Protection Principles (Art. 5)

- **lawfulness, fairness and transparency**
- purpose limitation (specified purposes, re-use only for compatible purposes)
 - research (with safeguards): purpose description can be 'less specific'; always a compatible purpose
- data minimisation (only what's necessary for the purpose)
- accuracy (data should be accurate and kept up to date)
- storage limitation (kept for no longer than necessary for the purpose)
 - alleviation for research (with safeguards)
- integrity and confidentiality (security)
- accountability (the data controller must demonstrate compatibility)
 - record of processing activities, record of breaches, data protection impact assessment

Lawfulness and Transparency

- **lawfulness:** processing must be based on one of the grounds in art. 6 GDPR, e.g.:
 - consent (any freely given, specific, informed and unambiguous indication of the data subject's (...) agreement to the processing)
 - legitimate interest (balanced against privacy protection)
 - public interest?
- **transparency:** data subject must be provided with information (even if the data are not obtained directly from him), e.g.:
 - identity of the data controller
 - purpose, ground, retention periods, categories of data, how they were obtained
 - transfers (if applicable)
 - rights of data subjects

Data Transfers

free movement of personal data within the EEA (EU + UK, Norway, Iceland, Lichtenstein)

European Commission recognises some countries as providing adequate protection
includes USA, but only for entities adhering to the Privacy Shield agreement

for other countries: special ad hoc measures must be taken, e.g.:

- Binding Corporate Rules (to transfer within international companies; still very rare)
- Code of conduct
- Specific contractual agreement (approved Standard Contractual Clauses)
- special consent of the data subject



- group discussion: Identification of most common data privacy issues in humanities research

Introduction of the CFW prototype

- Scenarios
- Consent form templates
- Wizard functionality



Introduction of the CFW prototype



➤ Scenarios

- **Gather data from and/or about living people for research purposes**
- Communicate through mailinglists or other (digital) communication media
- Gather data and/or consent from participants as the host of an academic event

Introduction of the CFW prototype



- Consent form templates
- Wizard functionality

→ (temporary URL)

CFW prototype testing by participants



→ (temporary URL)

Feedback





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Thank you for attending!