ELDAH working group meeting

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

Vanessa Hannesschläger, 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 Hannesschläger & 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]
- Korajka 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 Hannesschläger, Korajka Kuzman-Slogar & Walter Scholger: Adressing Ethical and Legal challenges in Digital Humanities scholarship. Poster. DH 2019 conference, Utrecht (11 July 2019) [pdf]
- Vanessa Hannesschläger & 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
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 I CARUS 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
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 Hannesschläger, 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: ОРЗД
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!