

6 September 2024

## **Bòrd na Gàidhlig Policy Statement – Processing Personal Data for Research Purposes**

Bòrd na Gàidhlig regularly conduct research activities relating to the development and promotion of Gaelic language, and as part of these activities collects and processes personal data for various purposes.

This policy statement sets out the safeguards that Bòrd na Gàidhlig implement to ensure personal data gathered during research activities are collected and subsequently processed in a manner that is compliant with relevant data protection laws.

### **Personal Data Collection**

Privacy notices regarding research activities are available from Bòrd na Gàidhlig's website. These should be brought to the attention of those participating in research projects by the organisation or individual conducting research on behalf of Bòrd na Gàidhlig.

Where consent is required to collect personal data, the person obtaining the personal data is responsible for obtaining that consent at the time the personal data are collected, and passing evidence of consent to Bòrd na Gàidhlig with the research data and any other deliverables of the project.

### **Research Findings**

The research findings (including datasets) will be retained in full by Bòrd na Gàidhlig, as set out in the privacy notices referred to above. Bodies (which, for the purposes of this guidance, may include organisations, groups, sole traders and other individuals undertaking research) can apply to access unredacted reports and datasets by entering into a data sharing agreement with Bòrd na Gàidhlig. These agreements are entered into at the sole discretion of the Research and Corpus Planning Manager, who will take advice from the Data Protection Officer as and when required. Organisations who enter into a data sharing agreement with Bòrd na Gàidhlig may use the data provided only for the purposes agreed.

### **Publication**

It is becoming increasingly easy to identify people from being able to cross-reference other information being placed into the public domain. In order to appropriately safeguard data subjects, the following will apply to personal data relating to Bòrd na Gàidhlig's research activities:

- All personal data (any information that identifies a living individual) will be redacted from reports unless explicit consent has been obtained for publication. The consent must satisfy the requirements of the UK General Data Protection Regulation and consent must be from the person to which the personal data relates. No personal data will be published that relates directly to a child (a person less than 16 years old);
- Datasets for publication will usually be anonymised. Anonymisation means that participants cannot, in any way, be identified from the dataset. Assuming the datasets are not cross-referenced, datasets where the numbers for any particular characteristic are below 5 will be

redacted where the data relates to a child, those still in primary or secondary education, or higher risk data subjects. Where datasets are cross-referenced, publication will be considered on a case by case basis;

- In some limited circumstances, it may be acceptable to pseudonymise the dataset. This means that personal identifiers are replaced with a pseudonym or a code. It should be noted that under data protection laws, pseudonymised information is still considered to be personal data and therefore must comply with all aspects of the legislation, including requiring a lawful basis all processing through to publication. While it will be possible for the researchers to continue to identify the participant, it should not be possible for others with access to the research data and results to identify them. Particular care should be taken when using pseudonyms: research findings that describe a lot of contextual details or factors about an individual are likely to allow an individual to be identified from the context and factors alone. In these cases, the information cannot be considered pseudonymised and if the information is to be published, it will require consent.
- The same consideration regarding anonymisation and pseudonymisation will be given to any third party information that is collected. In the majority of circumstances, these will be third parties referred to by research participants and therefore consent will not be held. Consent can either be collected or any personal information relating to third parties should be anonymised.
- Bòrd na Gàidhlig rarely collects special category personal data in research activities although does collect some for the purposes of complying with equalities legislation. Datasets for this type of information will be treated as a higher risk data type and no datasets relating to this type of characteristic will be published where they are lower than 10.

## **Data Protection Guidance – Research Practices**

When conducting research it is very likely that most projects will involve the collection of personal information and data (collectively referred to as personal data in this document) which is governed by data protection laws, specifically the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (DPA 18). Where personal data are collected and processed, data protection laws and any relevant, associated Codes of Practices must be complied with throughout the research project. It should be noted that truly anonymised information and data does not fall within the scope of the legislation although for the test to be met, there must be no way of re-identifying individuals. It should also be noted that the process of anonymising personal data is considered to be processing under data protection laws and therefore those whose personal data is to be anonymised must be aware of the way in which their personal data will be processed.

When taking decisions about how to process personal data there are two aspects to consider:

- a. Is personal data being collected?
- b. If personal data are being collected, is it reasonable in all circumstances to process it for the purposes of the research?

### **What is personal information or data?**

Any information or data collected by a company or organisation when conducting research that can identify living individuals should be considered personal data. This may be factual information about a person's circumstances, for example contact details, their age, their gender, the school they attend, or it may be a person's views or opinions.

### **When is it reasonable to process information?**

If you are conducting research on behalf of Bòrd na Gàidhlig and processing data for research purposes you should always obtain consent for collection and the publication of personal data unless there are exceptional circumstances. It is important to note that research is considered a specific

purpose in terms of data protection law and therefore if you wish to process the data for another purpose, for example publication, you must also obtain and be able to evidence consent for processing the data for other purposes.

Where a person has consented to their data being processed it is essential not to process any personal data that are not required for research purposes, or to process it for any other purpose than that for which consent has been given. This means data should not be collected, recorded or analysed where it is not directly relevant to the research project.

It is possible to process personal data under other lawful bases of data protection law although advice on this should always be sought from Bòrd na Gàidhlig.

To process personal data for research purposes, other requirements of the UK GDPR require to be met, specifically fairness and transparency. These are essential if any consent obtained is going to meet the legal standards. This means that any participants should be given details about the research project and how their personal data will be processed, and they should also be made aware of the privacy notices that are available from Bòrd na Gàidhlig's website. A record of information given to participants at the time they consented to their data being processed should be retained and passed to Bòrd na Gàidhlig.

#### **What if I can't obtain consent?**

The Information Commissioner recognises there may be circumstances where it is not possible or practical to obtain consent from all participants in a research project, such as large statistical projects. In these cases processing of personal data must still comply with all other requirements of the Act although personal data can be used for research purposes **only**. Further information is available in the Anonymisation Code of Practice.

#### **Can I publish personal data in research findings?**

Only if you have explicit consent from any person that will be identified in the publication. Where explicit consent is not held, all data must be published in an anonymised form. Consent is not required to publish anonymous information, even where it has been derived from personal data providing the personal data cannot be re-constituted or allows a person to be re-identified by a third party including by using other sources.

If you have been commissioned or contracted to conduct research on behalf of Bòrd na Gàidhlig, you must provide them with a copy of consent obtained to publish personal data at the time you submit the final report. This includes any anecdotal or supplementary information, for example the inclusion of pictures of individuals. Particular care must be given to consent for any third parties identifiable in the report, for example people that have not participated but are discussed or identified by those who have participated.

It should be noted that Bòrd na Gàidhlig will also use the findings of most research projects for purposes other than research where permitted by data protection laws.

#### **I may not always know if it is personal information. What should I do?**

The ICO's Anonymisation Code of Practice suggests using the "motivated intruder" test. If a third party was motivated to do so, could they use other information, which may not necessarily be in the public domain, to determine who is being referred to in research findings? Where this is the case, the information should be considered personal and removed or redacted unless there is a lawful basis to process it. Further information is available in the Anonymisation Code of Practice.

### **How do I process personal data when writing up results?**

Unless someone has explicitly agreed to being identified, any information that will allow a participant to be identified should be removed or redacted. Even where an individual has consented to publication, care must be taken not to include any additional personal data that are not directly relevant to the research. Some basic guidance includes:

- a. Unless someone has given consent to be identified, do not refer to gender when referencing comments, opinions, tasks (he, she);
- b. Do not include comments about a person's circumstances unless directly relevant to the research such as retirement or working patterns;
- c. Where someone has consented to identification, it is still good practice to refer to them using their job title, assuming their position or role is relevant to the research. If they have been included purely for their personal views or opinions and have consented to being identified, their name can be included;
- d. **Never** refer to a person's state of health in research findings, including any absence from work for sick leave or maternity leave. This is classed as special category personal data and would be a serious breach of data protection laws unless there is a condition that would allow it to be processed. You should not include any other special category personal data or reference any criminal convictions;
- e. Do not include contact details for participants unless they have specifically consented to their inclusion.

### **How do I anonymise personal data for publication?**

There are lots of techniques for anonymising qualitative and quantitative data. Where findings are in the form of datasets, it is generally accepted good practice not to publish datasets where a particular attribute has less than 10 to prevent identification. This value can be adjusted according to the level of risk of identification of data subjects. Further information is available in the Anonymisation Code of Practice.

This guidance note is intended to provide an overview of data protection considerations for research projects. For detailed guidance, researchers should consult the Anonymisation Code of Practice.

### **Reference**

Anonymisation Code of Practice

<https://ico.org.uk/media/1061/anonymisation-code.pdf>.

## Information for Research Participants

### Why are we undertaking this research?

[To be inserted.]

### What personal information will we collect from those that participate in the research?

Most of our research projects involve gathering some personal information, which is essential to the success of the project. The information we collect and record will depend upon each individual research project. Some projects require us to collect factual information, for example progress on specific initiatives, others will ask for your views and opinions. Some projects also require us to gather statistics which are then analysed to produce research papers.

### How will you process the information?

Once we have collected the information, it will be used for the research purposes set out above and, for the majority of projects, will also be published. Any personal information collected as a result of conducting this research will be processed in strictly in accordance with data protection laws and any relevant codes of practice. Further information is available in the Bòrd na Gàidhlig privacy notices available from our website.

### Will I be identified in research findings?

This will depend upon the research project. Where you will be identified in any final research publication, we will clearly communicate this to you before we start gathering information and ask you to consent to this publication. Where we promise anonymity to participants, information that allows you to be identified from the research findings will be removed or redacted from versions for publication.

We completely understand the research may involve providing facts, views or opinions about issues that could be considered contentious or sensitive in your organisation or workplace. If you have any concerns about providing information at any point during the research please do not hesitate to raise concerns directly with the researcher or by contacting [BnG contact].

### Where can I find further information about how my personal information will be processed?

If you would like further information about any of our research projects, please see our privacy notices for research available from our website.

### Consent

I have been provided with information about this research project and understand that some information and data collected from me may constitute my personal data as defined by data protection laws. I also understand that any publication of findings will be anonymous and will not identify participants unless explicitly agreed otherwise. I understand that I can withdraw my consent at any time.

I consent to participating in the project and for my personal data to be processed for research purposes.

I consent/do not consent to my personal data being published. I understand that if I withdraw my consent at some point in the future, it may not be possible for Bòrd na Gàidhlig to remove all previously published copies from the public domain.

Name

Date