

## Instructions for students conducting social science research: Implications of the GDPR for research practice

The GDPR also leads to changes that affect students conducting social science research as part of courses or an academic thesis:

**The collection and processing of personal data** as part of research conducted by students (seminar papers, academic theses, bachelor's theses) is **explicitly permitted** according to the Austrian research organisation act (*Forschungsorganisations-Gesetz, FOG*) (concretely, according to section 2f, para. 5 of the FOG). However, it must be ensured, in particular, that data are **only processed as permitted** and that data are **not transferred to third parties** (except for cases permitted according to article 89, para. 1 of the GDPR). The legitimacy of the collection and processing of data applies to both qualitative and quantitative studies.

In practice, you have to consider several technological, subject-specific and formal aspects. However, if you follow correct academic research and writing, this does not require a lot of additional effort.

### A. Pseudonymised data/anonymous or anonymised data

- **Pseudonymised data** mean that a person cannot be identified without additional information added to personal data. This additional information is an **'encryption'** or a **'code'** of the data. Without these, personal data cannot be assigned to individual persons. The required code must be stored separately from the pseudonymised data both by technical and by organisational means.
- **Anonymous or anonymised data** do **not** allow to **identify** individual persons. Either the person to whom the data belong is not known (= anonymous) or the 'code' is deleted (= anonymised). If you only collect anonymous data, the rules of the GDPR do not apply.

In social science research both pseudonymised and anonymous/anonymised data may be used. **Students may process both types of data in their research.** However, they have to take care that the data are **at least pseudonymised**: When processing these data (and, of course, also when analysing the data and presenting the findings) it should not be possible to relate them to identifiable persons. Anonymous data collection is always the preferable method. Here, you must not collect any personal data and it must be impossible to identify individual persons.

In any case, **pseudonymising or anonymising interviewees** is a fundamental principle of social science research. Here, individual persons cannot be and do not have to be identified because the general aim is to make statements about a larger social group and not about identifiable individuals.

This also applies to a **small number of interviewees** taking part in a **qualitative study**. Here, you have to avoid, in particular, the provision of individual information that allows to identify concrete persons. If this cannot be avoided, the interviewees must consent to the collection and processing of their personal data.

In the case of **expert interviews** or, for example, **interviews with contemporary witnesses** it may also not be possible (or make sense) to anonymise/pseudonymise data. Here, it is recommended to obtain explicit **consent** to the processing of personal data.

### **B. Data minimisation**

The principle of data minimisation means that the amount of personal data collected in studies must be generally minimised. The personal data must be “adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed” (article 5, para. 1, sub-para. c of the GDPR).

This means that when you prepare a survey or an interview, you should only collect those personal data that are really necessary and meaningful for reaching the research objective. This especially applies to sociographic data.

Another important step in this regard is pseudonymisation.

### **C. No transfer of data to third parties**

The data collected must not be transferred to third parties (except for processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes).

### **D. Consent from the persons affected**

Basically, you do not need the consent from the persons affected as there is a legal basis, according to the FOG, for the collection of personal data which is permitted for social science research conducted by students.

However, this legal basis does not apply to expert interviews or interviews with, for example, contemporary witnesses. In this case, personal data (such as the name) cannot be/is not anonymised or pseudonymised. Therefore, the interviewees have to consent to the collection and processing of their personal data (see declaration of consent/data protection information below).

If interviewees withdraw their consent, the related results must be removed for any future use of these data. Nevertheless, any analyses, descriptions, etc. made until this point in time are in accordance with law.

## E. Recruitment of interview participants

Writing to persons using their **personal e-mail address** is a delicate issue from a legal point of view, especially if you write to a large number of persons.

However, **posting online questionnaires** in web forums or social networks or recruiting participants for oral surveys (or other methods in the social sciences) via social media is permissible. In this case, you have to consider the applicable terms and conditions by the relevant social media platform.

Any resulting questions regarding data quality are no legal issues.

## F. Data protection information

To inform every person, from whom personal data are collected, a survey must include a **data protection information**.

In case of **oral surveys**, the data protection information has to be given orally, and ideally, also in written form (at least upon request). In case of online surveys, it is recommended to include it in the questionnaire through a link. In case of paper-and-pencil surveys, the reverse of the first page or a comparable position can be used (however, it must be clearly indicated on the first page).

The following **data protection information is a sample** containing the minimum requirements for typical surveys. It has to be assessed on an individual basis if this data protection information is suitable for the relevant purpose or has to be adapted.

### **Data protection information**

*I take the protection of your personal data as part of this survey very seriously. Therefore, your data are only collected and processed on the basis of legal provisions (section 2f, para. 5 of the Austrian research organisation act, Forschungsorganisationsgesetz, FOG).*

*This survey is part of a course / the basis for an academic paper/bachelor's thesis/master's thesis/doctoral thesis at the University of Vienna. The data can be consulted by the lecturer or the supervisor (of the academic thesis) for the purpose of performance assessment. In principle, it is permitted to store the collected data for an unlimited period of time according to article 89, para. 1 of the GDPR.*

*You have the right to be informed by the person responsible for this study about the personal data collected, the right to rectification, erasure, restriction of processing of data and the right to object to processing as well as the right to data portability.*

*If you have any questions regarding this survey, please contact the person responsible for this study: First name LAST NAME ([a01234567@unet.univie.ac.at](mailto:a01234567@unet.univie.ac.at))*

*only use your unet e-mail address), student in the degree programme in XXX at the University of Vienna, insert address for service of a court summons (= postal address to which letters can be delivered).*

*For general legal questions regarding the GDPR/FOG and research conducted by students, please contact the Data Protection Officer of the University of Vienna, Daniel Stanonik ([verarbeitungsverzeichnis@univie.ac.at](mailto:verarbeitungsverzeichnis@univie.ac.at)). You also have the right to lodge a complaint with the Data Protection Authority (for example, via [dsb@dsb.gv.at](mailto:dsb@dsb.gv.at)).*

### **G. Consent in the case of expert interviews, contemporary witness interviews, etc.:**

Especially interviews with experts, which are used and quoted similar to a publication, have a different function compared to, e.g. qualitative interviews. Therefore, it is a necessity to mention the names of the experts (and not to pseudonymise or anonymise them).

There are also other reasons why it may be required or make sense to mention the name of the respondents, for example of contemporary witnesses.

In this case, you have to obtain consent to the collection and processing of their personal data.

The following **declaration of consent** (including data protection information) is a **sample** containing the minimum requirements for these types of studies. It has to be assessed on an individual basis if this data protection information is suitable for the relevant purpose or has

#### ***Declaration of consent / data protection information***

*Thank you very much for being available as an expert for an interview as part of the course XY / as basis for an academic paper/bachelor's thesis/master's thesis/doctoral thesis at the University of Vienna.*

*According to the Austrian Data Protection Act (section 7, para. 2, sub-para. 2 of the Data Protection Act), you have to give your consent to this type of interview since your statements mentioning your name are used (quoted) in the academic paper/bachelor's thesis/master's thesis/doctoral thesis.*

*The contents of the interview are transcribed. You receive the transcription for approval before it is being used. The interview transcript will be attached to the academic paper or thesis. An academic thesis must be published according to the Austrian Universities Act (by shelving it in the Austrian National Library and the Vienna University Library). It is usually also accessible online.*

*The data can be consulted by the lecturer or the supervisor (of the academic thesis) for the purpose of performance assessment.*

to be adapted.

*In principle, it is permitted to store the collected data for an unlimited period of time according to article 89, para. 1 of the GDPR.*

*You can withdraw your consent to the use of this interview at any time. However, any statements used in the academic paper until this date are in accordance with statutory requirements and do not have to be removed from the paper.*

*You also have the right to be informed by the person responsible for this study about the personal data collected, the right to rectification, erasure, restriction of processing of data and the right to object to processing as well as the right to data portability.*

*If you have any questions regarding this survey, please contact the person responsible for this study: First name LAST NAME ([a01234567@unet.univie.ac.at](mailto:a01234567@unet.univie.ac.at) – only use your unet e-mail address), student in the degree programme in XXX at the University of Vienna, insert address for service of a court summons (= postal address to which letters can be delivered).*

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*I hereby consent to the use of my personal data as part of the academic paper/thesis.*

*Place, date, name*