



# GENERAL DATA PROTECTION REGULATION

**General objective:** Protect rights and freedoms with regard to the processing of personal data and remove obstacles to personal data flows

**Application to universities/academics:** as **users** and **providers** of **digital infrastructures** and **data**

Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC ([General Data Protection Regulation](#))

## Relevant provisions:

- Article 5(1)(b)<sup>1</sup>** Determines that the **secondary processing of personal data for scientific research purposes** must not be considered incompatible with the initial purposes, provided that the data processing is subject to **appropriate safeguards** (technical and organizational measures).
- jo. Article 89**
- Article 15** Grants data subjects a **right of access to personal data**.
- Article 20** Grants data subjects the **right to data portability**.
- Article 35** Sets out in which situations a **data protection impact assessment** must be carried out.

## Anticipated impact on universities:

Topic	Capacity	Impact	Explanation
Processing of personal data for scientific research purposes	User and provider of infrastructures and data	Medium	The special rules applicable to the processing of personal data for scientific research purposes open up possibilities for the use of personal data by academics and universities. However, such processing shall be subject to appropriate safeguards for the rights and freedoms of the data subject, including technical and organisational measures and respect for the principle of data minimalisation.
Right of access to data	Data user	Low	The data subject's right of access to personal data can be strategically deployed by academic researchers to obtain access to (personal) data via data donation projects. The positive impact is however deemed <i>low</i> because it only provides researchers an avenue to <i>indirectly</i> access data for research purposes.
Right to data portability	User of infrastructures	Low	The ability to port data to different technical systems for individual users generally contributes to easier switching between services, which in turn reduces the risk of technology-and-vendor lock-ins.
DPIA	User of infrastructures	Medium	Data protection impact assessments (DPIAs) can be used to discipline technology supplier's practices that extract excessive amounts of personal data from end-users of universities' digital infrastructures and services (see <a href="#">Expert Memorandum</a> ).

## Interactions with other frameworks & potential (consistency) issues:

<b>Interaction</b>	The <b>Free Flow of Non-Personal Data Regulation</b> , proposed <b>Data Act</b> and <b>Digital Markets Act</b> also contain data portability arrangements to facilitate switching between service providers.
<b>Issue</b>	<b>Instrumentalisation of publicly-funded research data for commercial gain:</b> the fact that not-for-profit scientific research benefits from exceptions under EU data protection law renders universities attractive for industry-sponsored research that can be used as input for commercial products.

<sup>1</sup> Article 9(2)(j), Article 14(5)(b), Article 17(3)(d), Article 21(6) also provide special rules for the processing for scientific research purposes and must be read in conjunction with Article 89 GDPR.