

GSA Archives and Collections: Data Protections Guidelines for Researchers

The Data Protection Act permits researchers to use personal data for historical or statistical research purposes provided that:

- the data is not processed to support measures or decisions with respect to particular individuals
- the data is not processed in such a way that substantial damage or distress is, or is likely to be, caused to any data subject

AND that they also abide by numbers 1, 3, 4, 6, 7 and 8 of the Data Protection Principles, these Principles are:

- 1 Personal data shall be processed fairly and lawfully
- 2 Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
- 3 Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
- 4 Personal data shall be accurate and, where necessary, kept up to date.
- 5 Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or purposes.
- 6 Personal data shall be processed in accordance with the rights of data subjects under the Act.
- 7 Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to personal data.
- 8 Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.¹
 - Redacting names may not always be sufficient to anonymise information. The context of the personal data can also reveal identity.
 - The sensitivity of personal data diminishes over time.

If a researcher uses personal data they have accessed at GSA Archives and Collections for any purposes other than historical and statistical research or publication of journalistic, literary or artistic material in the public interest, or they process this personal data to support measures or decisions about the subject of the data without their consent, they may be guilty of an offence under section 55(1) of the Act, and could be prosecuted.²

¹ National Records of Scotland *Data Protection Guidance for Readers*
<https://www.nrscotland.gov.uk/research/visit-us/historical-search-room/data-protection-guidance-for-readers>

² Adapted from National Records of Scotland *Data Protection Guidance for Readers*
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Your responsibilities as a researcher:

- As a researcher, you are responsible for any personal data concerning living individuals that you collect from GSA's archives whether in the form of notes taken or copies of records obtained.
- When you take away information from our holdings, you become the data controller of this information and you are liable for it and any subsequent use made of it. It is your responsibility under the Data Protection Act, to ensure that the personal data which you have gained access to is used only for historical or statistical research.
- You must not use data to cause substantial damage or distress to data subjects.
- You must not use data to support measures or decisions concerning individuals.
- You should anonymise identities wherever possible. This is good practice when taking notes as it reduces the risk of subsequent unauthorised disclosure or misuse. Also data subjects have a right of access to their information so if you anonymise information it will not be open to subject access requests.
- If you intend to publish personal information you should give consideration to the following:
 - Whether the data subject is still living.
 - Whether the information has already been published or placed in the public domain.
 - Whether the individual is a public figure. If so the information is more likely to have already been made public.
 - Whether it is in the public interest to publish. Section 32 of the Data Protection Act allows the processing of personal data with a view to the publication of journalistic, literary and artistic material if a researcher believes publication would be in the public interest. Determining what constitutes the public interest can be problematic, but the Information Commissioner has provided guidance.
 - Whether the information is sensitive personal data. If so you may need to obtain the permission of the data subject prior to publication unless you anonymise the information. Processing must be in the substantial public interest.

Further advice on how to identify personal data can be found at:

<https://ico.org.uk/media/1554/determining-what-is-personal-data.pdf>

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