

Information Commissioner’s Office

Survey:

The role of data ethics in complying with the GDPR

Start date: 11 November 2020

End date: 16 December 2020

Introduction

This consultation is part of a suite of resources where we are looking for a wide range of views from organisations and individuals, across all sectors and organisational sizes. We want to hear from those who have responsibility for data protection, and particularly would like to hear about:

* Your current or future plans regarding policies, processes and written procedures on data ethics and how they relate to the policies, processes and written procedures you have implemented to discharge your obligations under the GDPR’s ‘accountability’ principle
* What publicly available data ethical frameworks you use as a reference point?
* If you use publicly available ethical frameworks, how easy you found to translate them into meaningful practical steps and decision points within your organisation’s decision-making processes?
* Whether data ethics is a concept integrated into existing decision-making steps/documents (like data protection impact and/or legitimate impact assessments) or whether they have their own additional standalone process flow?
* Whether your organisation has an established ‘Data Ethics Board’?

Please email your completed survey to ellis.parry@ico.org.uk.

NB: Your responses to this survey will be used to help us with our work on data ethics only. The information will not be used to consider any regulatory action. However, you may respond anonymously should you wish.

## Privacy statementFor this survey, we will publish all responses received from organisations but we will remove any personal data before publication. We will not publish responses received from respondents who have indicated that they are an individual acting in a private capacity (eg a member of the public). For more information about what we do with personal data see our  [privacy notice.](https://ico.org.uk/global/privacy-notice/)

**Existing practice**

**Q1** Does your organisation currently use an existing, publicly-available ethical framework in its decision-making processes?

[ ]  Yes

[ ]  No

**Q2** If yes, please provide a link to that framework below, then please go to Q6.

**Q3** If no, does your organisation plan to adopt any such publicly-available ethical framework?

[ ]  Yes

[ ]  No **please go to Q5.**

[ ]  Unsure /don't know **please go to Q5.**

**Q4** If yes, when do you anticipate this adoption taking place within? **then please go to Q6.**

[ ]  3 months

[ ]  6 months

[ ]  12 months

[ ]  >12 months

**Q5** Alternatively, is your organisation either developing or planning to develop its own bespoke ethical framework?

[ ]  Yes

[ ]  No **please go to Q11**

[ ]  Unsure/don't know **please go to Q11**

**Q6** Why did you choose that particular framework? [Tick all that apply]

[ ]  Comprehensive

[ ]  Clear

[ ]  Best fit for purpose

[ ]  Best in class

[ ]  Other

[ ]  Unsure/don't know

**Q7** What were (or what do you perceive will be) the three largest obstacles to building the framework into your organisation's decision-making processes effectively? [Tick all that apply]

[ ]  Unclear how to integrate ethical principles into processes

[ ]  Organisational cultural resistance/inertia

[ ]  Benefit proposition not clearly articulated or communicated

[ ]  No responsible person nominated

[ ]  Other **please specify:**

[ ]  Unsure/don't know

**Q8** Are (or will) the framework's considerations be integrated into your data protection impact assessment or legitimate interest assessment, or are they undertaken as part of a separate process?

[ ]  Integrated

[ ]  Separate

[ ]  Unsure/don't know

**Organisation**

**Q9** Does your organisation have someone formally responsible for ‘data ethics’?

[ ]  Yes

[ ]  No

[ ]  Unsure/don't know

**Q10** If yes, what is this person's title, how senior are they and where within your organisation does their role sit? **then please go to Q13.**

**Q11** If no/unsure/don't know, are ethical considerations nevertheless raised informally by colleagues not expressly responsible for data ethics?

[ ]  Yes

[ ]  No **please go to Q15**

[ ]  Unsure/don't know **please go to Q15**

**Q12** If yes, are these ad-hoc issues raised appropriately and dealt with in a constructive manner?

[ ]  Yes

[ ]  No

[ ]  Unsure/don't know **please go to Q21**

**Q13** Does your organisation have a Data Ethics Board?

[ ]  Yes

[ ]  No

[ ]  Unsure/don't know **please go to Q21**

**Q14** If yes, describe briefly who sits on it, what their disciplines are, how frequently it meets, how senior its members are and whether they are internal/external to your organisation, then **please go to Q17.**

**Q15** If no, is your organisation considering establishing a Board?

[ ]  Yes

[ ]  No **please go to Q21**

[ ]  Unsure/don't know **please go to Q21**

**Q16** If yes, when do you anticipate this taking place within?

[ ]  3 months

[ ]  6 months

[ ]  12 months

[ ]  >12 months

**Q17** Does or will your organisation's Data Ethics Board have decision-making power, or is it (or will it be) only consultative?

[ ]  Decision-making **please go to Q18**

[ ]  Consultative **please go to Q19**

[ ]  Neither **please go to Q20**

[ ]  Unsure/don't know **please go to Q21**

**Q18** If you answered: Decision-making

Has the Board declined business proposals or asked them to be re-formulated?

[ ]  Yes

[ ]  No

[ ]  Unsure/don't know

**Q19** If you answered: Consultative

How is its impact measured?

**Q20** If you answered: Neither

Please explain.

**Q21** Does your organisation have a data protection officer (DPO)?

[ ]  Yes

[ ]  No

[ ]  Unsure/don't know **please go to Q25**

**Q22** If yes, is it mandatory for your organisation or have you appointed someone voluntarily?

[ ]  Mandatory

[ ]  Voluntary

[ ]  Unsure/don't know

**Q23** If no, are you considering appointing a DPO voluntarily?

[ ]  Yes

[ ]  No **please go to Q25**

[ ]  Unsure/don't know **please go to Q25**

**Q24** If yes, when do you anticipate this taking place?

[ ]  3 months

[ ]  6 months

[ ]  12 months

[ ]  >12 months

**Ethical Decision Making**

**Q25** Does your organisation always take the same factors into account when assessing Art.5(1)(a) ‘fairness’?

[ ]  Yes

[ ]  No

[ ]  Unsure/don't know **please go to Q30**

**Q26** If yes, what are those factors?

Please explain.

**Q27** If no, is this because there is no formalised structure around how to consider ‘fairness’, or because context is taken into account?

[ ]  No formal structure

[ ]  Context specific

**Q28** If no formal structure, list the considerations most frequently discussed when assessing ‘fairness’.

**Q29** If context-specific, what is the process for choosing the correct ‘fairness’ criteria for any given set of circumstances?

**Q30** How do you record the factors taken into account when assessing whether a data controller's legitimate interest is overridden by data subjects’ interests or fundamental rights and freedoms when relying on Art.6(1)(f)?

**Q31** Do you think ethical considerations should be taken into account when relying on Art.6(1)(f) to justify your processing as a data controller?

[ ]  Yes

[ ]  No

[ ]  Unsure/don't know **please go to Q34**

**Q32** If yes, what are the three most important ethical factors to your organisation?

**Q33** If no, why not?

**Compliance programmes**

**Q34** If your organisation has adopted explicitly ethical considerations, are these built into your training materials?

[ ]  Yes

[ ]  No

[ ]  Unsure/don't know **please go to Q38**

[ ]  No such adoption **please go to Q38**

**Q35** If yes, are these training materials the same as, or delivered alongside, data protection training content?

[ ]  Yes

[ ]  No

**Q36** If no, are you planning to create such training materials?

[ ]  Yes

[ ]  No

**Q37** If yes, when do you anticipate this taking place within?

[ ]  3 months

[ ]  6 months

[ ]  12 months

[ ]  >12 months

**Q38** When selecting a third-party processor, do you assess whether they have an ethics based programme?

[ ]  Yes

[ ]  No **please go to Q40**

[ ]  Unsure/don't know **please go to Q40**

**Q39** If yes, do you have examples of the existence or robustness of any such programme putting the potential service provider in a preferred position?

[ ]  Yes

[ ]  No

[ ]  Unsure/don't know

**About you**

This section is optional – telling us who you are will help us to understand your needs more clearly as we design our guidance products, but you may answer the survey anonymously should you wish.

**Q40** Your name:

**Q41** Work email address:

**Q42** Who are you answering as? Please select as appropriate:

Choose an item.

If you are a member of the public please move to the end of the survey.

**Q43** If you answered, On behalf of an organisation or Sector group, please specify below:

**Q44** What is your role in your organisation?

Choose an item.

**Q45** If other, please specify below:

**Q46** What sector do you work in?

Choose an item.

**Q47** If you answered, a combination of the above then please specify below:

**Thank you for completing the survey.**