About this detailed guidance

This guidance discusses the research provisions in the UK GDPR and the DPA 2018 in detail. It is aimed at DPOs and those with specific data protection responsibilities in organisations undertaking research, archiving or processing for statistical purposes.

It provides guidance on how these provisions work and sets out our understanding of the provisions' key terms.

It explains how the provisions relate to the data protection principles and grounds for processing. It also details the exemptions set out in the provisions. It summarises the key points you need to know and answers frequently asked questions.

In places, the guidance provides examples to illustrate how a specific provision might apply. These are not fully-worked case studies and do not address every aspect of regulatory compliance that organisations are subject to.

Many research projects are very complex, involving multiple organisations often in different countries. It is likely that you are subject to a range of regulatory requirements, depending on your sector and your type of research-related activity. This guidance does not cover all of these issues.

This guidance focusses specifically on the use of the research provisions. We are not presenting this guidance as a comprehensive guide to data protection compliance for researchers. You should therefore read this guidance in conjunction with other ICO guidance, as well as sectoral guidance if available.

For broader guidance on data protection compliance, see our Guide to Data Protection.

Further reading - responses to the ICO's consultation

In February 2022, we launched a public consultation on the draft detailed guidance on the research provisions in the UK GDPR and the DPA 2018. You can read a summary of responses to the consultation and the ICO's comments here.

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At a glance

- The UK GDPR and the DPA 2018 contain provisions for processing personal data for research purposes.
- These provisions refer to three types of research-related purposes for processing personal data, which are:
  - archiving purposes in the public interest;
  - scientific or historical research purposes; and
  - statistical purposes.
- The UK GDPR and the DPA 2018 do not set out the research provisions in one location. Instead, a number of articles and paragraphs in both pieces of legislation mention them.
- These provisions cover three broad areas of data protection, which are:
  - the data protection principles;
  - a condition for processing special category data and criminal offence data; and
  - exemptions from individuals' rights.

In detail

The UK GDPR and the DPA 2018 contain provisions for processing personal data for research purposes.

These provisions recognise the importance of scientific and historical research and technological development to society. They ensure that data protection requirements enable technological innovation and the advancement of knowledge.

The provisions refer to three broad types of research-related purposes for processing personal data. They are:

- archiving purposes in the public interest;
- scientific or historical research purposes; and
- statistical purposes.

For ease of reference, in this guidance we refer to these collectively as "research" or "research-related purposes" (although this is not a term that appears in the UK GDPR or the DPA 2018). Where the provisions differ depending on the specific type of research-related purpose, we refer directly to that purpose.

The UK GDPR and the DPA 2018 do not set out the research provisions in one location. Instead, a number of articles and paragraphs in both pieces of legislation cover research.

These provisions cover three broad areas of data protection, which are:

- the data protection principles;
- a condition for processing special category data and criminal offence data; and

- exemptions from individuals' rights.

In order to use these provisions, you need appropriate safeguards in place to protect people's rights and freedoms.

The table below sets out where you can find the research provisions and requirements about safeguards in the UK GDPR and the DPA 2018.

Area of data protection law affected		Location of research provision
Principles	Purpose limitation	Article 5(b) of UK GDPR: provision for research built into the principle
	Storage limitation	Article 5(e) of UK GDPR: provision for research built into the principle
Conditions for processing	Condition for processing special category data	Schedule 1 Paragraph 4 of DPA 2018
	Condition for processing criminal offence data	Schedule 1 Paragraph 4 of DPA 2018
Exemptions	Right to be informed when data collected from source other than the individual	Article 14(5)(b) of UK GDPR: exception for research built into the right
	Right of access	Schedule 2 Paragraphs 27 and 28 of DPA 2018: exemptions for research and statistics, and archiving
	Right to rectification	Schedule 2 Paragraphs 27 and 28 of DPA 2018: exemptions for research and statistics, and

	archiving
Right to erasure	Article 17(3)(d) of UK GDPR: exception for research built into the right
Right to restrict processing	Schedule 2 Paragraphs 27 and 28 of DPA 2018: exemptions for research and statistics, and archiving
Right to data portability	Schedule 2 Paragraph 28 of DPA 2018: exemption for archiving*
Right to object	Article 21(6) of UK GDPR: exception for scientific or historical research and statistics built into the right; and Schedule 2 Paragraphs 27 and 28 of DPA 2018: exemptions for research and statistics, and archiving**
Safeguards	Article 89 of the UK GDPR; Section 19 of DPA 2018

*Schedule 2 of the DPA 2018 contains an exemption from the right to data portability for archiving purposes in the public interest only. There is no exemption from the right to data portability for scientific or historical research, or statistics.

** Article 21(6) contains a built in exception from the right to object to processing for scientific or historical research and statistical purposes only. However, Schedule 2 Paragraph 28 provides an exemption from the right to object when processing for the purposes of archiving in the public interest.

What is research-related processing?

At a glance

- The research provisions refer to three types of research-related purpose. They are:
  - archiving purposes in the public interest;
  - scientific or historical research purposes; and
  - statistical purposes.
- To use the provisions, you need to demonstrate that your processing is necessary for one of these research purposes.
- We developed a set of indicative criteria for each of the three types of research.

In detail

What is research-related processing?

Research-related processing is processing you carry out for any of the following purposes:

- archiving purposes in the public interest;
- scientific or historical research purposes; or
- statistical purposes.

The legislation does not define these terms. However, the introductory recitals to the UK GDPR give them some additional detail. Recitals are not legally binding, but they are useful for understanding the meaning of the articles.

Further Reading

> Relevant provisions in the UK GDPR - See Recitals 156-163
> External link

The defining feature of each of these research-related activities is the aim or purpose of your processing. This is key to determining whether the research provisions cover your processing. We developed

descriptions of the aims and purposes of each type of research-related processing. We set these out in the sections below.

When determining whether your processing can legitimately use the research provisions, you should think carefully about whether it is necessary for achieving one of the research-related purposes.

We also developed some indicative criteria for each of the research-related purposes. These are non-exhaustive and show the types of activity indicative of each type of research purpose.

These criteria can help you identify which of your processing activities you can define as for research purposes. This then allows you to use the research provisions. Referring to them in your documentation of processing shows that you considered your use of the provisions. It also shows that you are confident they are necessary.

However, the key feature is the purpose or aim of your processing. You must demonstrate that your processing is necessary to meet the purpose or aim of your type of research.

What is archiving in the public interest?

Archiving in the public interest ensures the permanent preservation and usability of records of enduring value for general public interest.

The aim of archiving is to maintain information and provide long-term access to it for public use. However, archives often contain the personal data of living, identifiable individuals.

The UK GDPR and the DPA 2018 recognise that there is a public interest in permanently preserving some records containing personal data. There is a long-term benefit to society in doing so.

Archiving in the public interest is a service where organisations manage and preserve records identified as having potentially enduring public value. Organisations should not use the provisions for archiving to justify indefinite retention of records that have no potential public value, or retention without active and ongoing management.

Some bodies with specific legal obligations, such as the National Archives, National Records of Scotland and the Public Record Office of Northern Ireland, carry out archiving in the public interest. Public bodies, such as local authorities, may also have a public task set out in statute to maintain records archives.

However, many organisations undertaking archiving in the public interest are not under any statutory obligation to perform that task. Private or third sector organisations may also carry out archiving in the public interest.

You should distinguish archiving in the public interest from the long-term retention of records for business or legal purposes. Organisations sometimes use the term archiving to refer to sending records to offsite storage or moving data from a live system. However, for the purposes of the research provisions, if you are keeping records solely for current business or legal purposes, and they have no potential or confirmed enduring public value, then this is not archiving in the public interest.

The following table sets out examples of when we would consider the purpose of processing archiving in the public interest, and when we would not:

Archiving in the public interest	**Not** archiving in the public interest
• Enabling research and investigations • Ensuring long-term accountability • Preserving personal, community and corporate identities, memories and histories • Helping to establish and maintain rights, obligations and precedents • Securing records for future educational, research or development purposes	• Maintaining records for current business needs or legal purposes • Storing records for a specified limited time period • Retaining records that have no potential or confirmed enduring value to society

What are some indicative criteria for archiving in the public interest?

To help you consider whether your processing is archiving in the public interest, we developed a non-exhaustive, indicative list of activities and features. Although the key factor is the aim or purpose, you should demonstrate that some of these activities are features of your processing.

Although you do not need to meet all of these criteria, we would expect you to meet more than one. The more of these criteria you can satisfy, the more likely it is that your processing is archiving in the public interest.

Ultimately, it is up to you to determine whether your processing is necessary for one of the research purposes. You must be able to justify this decision.

Activities	• Acquisition, selection, appraisal • Storage and preservation • Arrangement and description • Provision of access through inspection and publication • Publication of catalogues, research guides and other materials to enable access to the archived information
Standards	• Establishing and following archive policies and procedures which set the purpose of the archive and address acquiring, selecting, describing, caring for and giving access to records • Publishing the archive’s mission • Involvement of professional archivists • Alignment or conformance with published archival standards • Recognition by the national accreditation scheme
Access	• Making records available for public use – either immediately or at a future date when records are no longer confidential • Conducting outreach, education and engagement activities with the archive’s community or locality

- Either entirely open or limited to particular audience
- Potentially in response to requests

Example

A charity has records of their activities dating back 150 years. The records document the charity's support for vulnerable people and communities. They show a significant record of humanitarian work in the UK and beyond. Many of the people mentioned in the records are still alive, and so the collection contains personal data.

The charity does not employ an archivist and is not an accredited archive service. However, they do respond to occasional access requests from external parties. They are also exploring options to improve access to their collections in partnership with a local record office. The processing of this personal data is seen as archiving in the public interest.

The charity may decide to abandon their plans for improving access and stop answering enquiries. They could not then rely on archiving in the public interest to process the personal data.

Further Reading

Relevant provisions in the legislation - See UK GDPR Recital 158
External link

Further reading – The National Archives

The National Archives is the official archive and publisher for the UK Government and for England and Wales. They published a guide to archiving personal data.

What is scientific or historical research?

Recital 159 of the UK GDPR gives some detail as to how organisations should understand scientific research:

> "The processing of personal data for scientific research purposes should be interpreted in a broad manner including for example technological development and demonstration, fundamental research, applied research and privately funded research."

Scientific or historical research has a broad meaning. It includes research carried out in traditional academic settings, and includes the full range of academic research including for example social sciences, humanities and the arts. It can also include research carried out in commercial settings, and technological development, innovation and demonstration.

As noted above, the key feature when determining if your processing can use the research provisions is your purpose or aim.

The OECD's Frascati Manual says that the purpose of scientific or historical research is to increase the stock of knowledge. This includes knowledge of humankind, culture or society. It also says that the purpose of research is to devise new applications of available knowledge.

Scientific or historical research aims to:

- advance the state of the art in a given field or provide innovative solutions to problems;
- generate new understandings or insights that add to the sum of human knowledge in a particular area;
- support education; or
- produce findings of general application for testing and replication.

Scientific or historical research includes:

- fundamental or basic research – experimental or theoretical work undertaken primarily to acquire new knowledge of the underlying foundations of phenomena and observable facts, without any particular application or use in view;
- applied research – original investigation undertaken to acquire new knowledge, directed primarily towards a specific, practical aim or objective; and
- experimental development – systematic work, drawing on knowledge gained from research and practical experience and producing additional knowledge, which produces new products or processes, or improves existing products or processes.

This definition of research includes such activities as:

- research that informs policy and practice that does not necessarily result in published findings;
- the application and explanation of scientific research;
- demonstrating the replication or reproducibility of research;
- development of artificial intelligence (AI);
- research on real-world evidence; and
- secondary use of clinical trials data.

Public sector bodies may conduct scientific or historical research. But commercial or charitable organisations or independent researchers can also carry it out.

What are some indicative criteria for scientific or historical research?

We developed a non-exhaustive list of activities and features that are indicative of this kind of processing. Although the key factor is the aim or purpose, you should demonstrate that some of these are features of your processing.

Although you do not need to meet all of these criteria, we would expect you to meet more than one. The more of these criteria you can satisfy, the more likely it is that your processing is for scientific or historical research purposes.

Ultimately, it is up to you to determine whether your processing is necessary for one of the research purposes. You must be able to justify this decision.

Activities	• Formulating hypotheses, isolating variables, designing experiments • Objective observation, measurement of data • Critical exposure to scrutiny, including peer review • Publication of findings • Sampling populations • Designing and conducting surveys • Integrating and analysing data • Drawing inferences about populations from samples • Qualitative research activities
Standards	• Ethics guidance • Committee approval • Peer review • Compliance with pre-existing policies and procedures • Adherence to relevant codes of conduct and regulatory frameworks • Compliance with recognised standards of research ethics and integrity • Compliance with rules on carrying out research on animals or human participants • Compliance with rules on involving the public in your research • Supporting diverse and inclusive research • Ensuring safeguarding and preventing bullying and harassment in the conduct of research • Findings do not lead directly to decisions about individuals (except in the case of approved medical research)
Access	• Publication of results, and commitment to sharing findings of research • Does not need to be Open Access – can be in academic journal with paid access

Example

A company provides biometric identity verification technology to businesses. They then use this technology to prove that their customers are who they say they are. The company processes the

personal data of their clients' customers. This is in the form of photographs of their faces. The company then determines whether the customer's face matches their ID, and whether or not their ID is genuine.

The company becomes aware that their facial recognition technology is not responding to everyone equally. This is because of the broad diversity of facial characteristics across the world. The company decides to undertake research into how their algorithms can mitigate bias and treat everyone in a fair and inclusive manner.

The company carries out this research with appropriate safeguards in place for people's rights and freedoms. The company only uses the outcomes of this research to train the algorithm to make better decisions in future.

This processing of personal data can be regarded as for scientific research purposes.

Example

A university establishes a research project to investigate the experiences of people who emigrated to the UK in the 1950s and 1960s. They also want to compare the experiences of people from different ethnic groups.

The processing of this personal data is for historical research purposes.

Further Reading

Relevant provisions in the legislation - See UK GDPR Recitals 159 and 160
External link

Further reading

The OECD's Frascati manual provides an internationally recognised definition of research and development. It also provides guidelines for collecting and reporting data.

The Health Research Authority has produced detailed GDPR Guidance for Researchers and Study Coordinators.

The Medical Research Council Regulatory Support Centre has guidance on Using Data About People In Research.

UKRI has developed a Good Research Resource Hub which contains links to policies, standards and guidance for researchers.

The Market Research Society has developed a suite of support materials to help organisations comply

with the UK data protection framework.

What is processing for statistical purposes?

Processing for statistical purposes is processing where the main objective is to generate statistics. It is important to note that not all processing that creates statistical results counts as processing for statistical purposes.

As noted above, the key feature when determining if your processing can use the research provisions is your purpose or aim.

Processing for statistical purposes refers only to activities where the processing's primary aim or purpose is to produce statistical outputs. You may then use these statistical results for further purposes, including scientific research.

Public authorities and bodies with a statutory obligation to produce and disseminate official statistics, such as the Office for National Statistics, may conduct processing for statistical purposes. But it is also much broader than this. Private or third sector organisations may also carry out this processing. It covers any operation of collection and the processing of personal data necessary for statistical surveys or the production of statistical results.

For processing to count as for statistical purposes, the organisation doing the processing should either:

- not use the results to make decisions or justify measures about people; or
- render the results anonymous, making it no longer personal data.

You should note that if you hold other information that you could combine with the anonymised results, this could re-identify linked individuals. The results would no longer be truly anonymised, and would therefore count as personal data. This would mean that your processing could not count as for statistical purposes. However, if you were not using the information to make decisions or justify measures about people, then it would still count.

Further reading – ICO guidance

What is personal data?

The ICO is currently working on new guidance on anonymisation, pseudonymisation and privacy enhancing technologies. We will add links to this guidance here when we publish it.

What are some indicative criteria for processing for statistical purposes?

The following is a non-exhaustive list of activities and features indicative of processing for statistical purposes. The key factor is the aim or purpose of your processing. However, you should also demonstrate that some of these are features of your processing.

Although you do not need to meet all of these criteria, we would expect you to meet more than one. The

more of these criteria you can satisfy, the more likely it is that your processing is for statistical purposes.

Ultimately, it is up to you to determine whether your processing is necessary for one of the research purposes. You must be able to justify this decision.

Activities	• Designing surveys • Sampling populations • Interpreting and analysing data • Drawing inferences about populations from samples
Outputs	• Not used to make decisions or justify measures about people • Anonymous data, not personal data
Standards	• Compliance with pre-existing policies and procedures • Adherence to relevant codes of conduct and regulatory frameworks • Where part of a wider research project, this should adhere to recognised standards of research integrity – ethics committee approval, peer review

Example

A health agency is monitoring rates of COVID-19 reinfection. They collect the personal data of people who have tested positive for COVID-19. This includes data about previous infections. They use this data to generate statistics about the rates of reinfection. Other agencies then use this data to make policy decisions to try and reduce future reinfection rates.

The results of this processing are anonymous, and therefore do not contain any personal data.

The processing of this personal data is for statistical purposes.

Further Reading

Relevant provisions in the legislation - See UK GDPR Recitals 162
External link

Further reading – The National Archives

The UK Statistics Authority produced detailed guidance on GDPR and Statistics.

Principles and grounds for processing

At a glance

- Article 5 of the UK GDPR sets out seven key data protection principles. Two of these principles – purpose limitation and storage limitation – contain special provisions for research-related processing.
- The purpose limitation principle says you can reuse existing personal data for research-related purposes, as long as you have appropriate safeguards in place.
- The principle of storage limitation says that you can keep personal data indefinitely, if you are processing it for research-related purposes, as long as you have appropriate safeguards in place.
- There is no specific lawful basis for research. Depending on your status and context, you are likely to rely on either legitimate interests or public task for this type of processing.
- There is a specific condition allowing the use of special category data or criminal offence data for research purposes, if this is in the public interest and you have appropriate safeguards in place.

In detail

What do the data protection principles say about research?

Article 5 of the UK GDPR sets out seven key data protection principles.

These principles lie at the heart of the general data protection regime. They don't give hard and fast rules, but rather embody the spirit of the general data protection regime. As such, there are very limited exceptions.

However two of these principles – purpose limitation and storage limitation – contain within them special provisions for research-related processing.

What does the purpose limitation principle say about research?

Article 5(1)(b) states that personal data shall be:

> “collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall, in accordance with Article 89(1), not be considered to be incompatible with the initial purposes.”

This simply means that processing data for research-related purposes is compatible with the original purpose.

This applies as long as your intended further processing:

- meets the criteria for one of the research-related purposes;
- is necessary for one of the research-related purposes;
- is fair and lawful; and
- has appropriate safeguards in place.

If you meet these conditions, then your research purposes are compatible with your original purpose. You do not need to undertake a specific compatibility test.

Do we need a new lawful basis?

All processing must be lawful, so you do need a lawful basis. Your original basis to collect the data may not always be appropriate for your research-related processing.

In most cases, your lawful basis for your research-related processing is either:

- public task – the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law; or
- legitimate interests – the processing is necessary for your legitimate interests, or the interests of a third party, unless there is a good reason to protect the person’s personal data which overrides those legitimate interests.

Which of these is right for you often depends on the type of organisation you are. It is most likely that public authorities can rely on public task. Commercial and charity organisations are more likely to use legitimate interests.

If you want to use the legitimate interests lawful basis, you are usually advised to carry out a legitimate interests assessment (LIA) before you begin. However, carrying out research with appropriate safeguards in place, including all other ethical standards and regulatory requirements, means you are effectively addressing the issues an LIA covers. In this context, you can generally have confidence that the legitimate interest lawful basis applies. You would not need to undertake a separate LIA process.

In all instances, you need to update your privacy information to ensure that your processing is transparent.

Example

An insurance company collects personal data from people who buy their life assurance policies. The lawful basis they use to collect the data is that it is necessary for the performance of a contract – that is, the life assurance contract.

The insurance company wishes to repurpose this data for scientific research and statistical purposes. They wish to gain a deeper understanding of life expectancy and risks of mortality, to help define future pricing strategies.

This new processing for statistical purposes is compatible with the purpose for which they originally collected the data. The insurance company must identify a lawful basis for this new processing.

They are carrying out the research in a fair, lawful and transparent manner. The company has appropriate safeguards in place to protect the rights of the people whose data they are processing.

The insurance company can rely on the legitimate interests lawful basis for this processing.

What if our original processing was based on consent?

If your original lawful basis for processing personal data was consent, you need to seek fresh consent for any new processing activity, including research.

This is because consent means giving people real choice and control over how you use their data. This means that consent must always be specific and informed. People can only give valid consent when they know and understand what you are going to do with their data.

So if people provided their data and consent for you to use it for a non-research purpose, using it for a research related purpose without their knowledge or agreement unfairly undermines the informed nature of their original choice.

Remember that if data is effectively anonymised, then it is no longer considered personal data. This means data protection legislation does not apply. You can carry out research on anonymised data, even if it was originally collected on the basis of consent.

However, if you originally collected personal data on the basis of consent to carry out a particular research project, you can use that personal data for another research project. Although generally people must only give consent for specific purposes, the law recognises that in a research context, it's often not possible to fully identify the specific research purposes at the time of collection. Recital 33 states that:

"individuals should be allowed to give their consent to certain areas of scientific research when in keeping with recognised ethical standards for scientific research."

This is sometimes known as "broad consent". It means that if you are processing personal data on the basis of consent for scientific research, you don't need to be as specific as for other purposes. However, you should identify the general areas of research. Where possible, you should give people granular options to only consent to certain areas of research or parts of research projects.

What does the storage limitation principle say about research?

Article 5(1)(e) requires that personal data shall be:

> "…kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) subject to implementation of the appropriate technical and organisational measures required by this Regulation in order to safeguard the rights and freedoms of the data subject…"

Storage limitation means that, even if you collect and use personal data fairly and lawfully, you cannot keep it for longer than you actually need it.

The general rule is that you cannot hold personal data indefinitely just in case you may find it useful in future. However, Article 5(1)(e) provides an exception to the principle of storage limitation for research-related processing. This means that you can keep personal data indefinitely, if you are processing it for one of the research-related purposes.

However, this must be your only purpose. If you justify indefinite retention on this basis, you cannot later use that data for another purpose. In particular, you cannot use it for any decisions affecting particular people. This does not prevent other organisations from accessing public archives, but they must ensure their own collection and use of the personal data is compliant.

If you are no longer processing the data for any purpose, including a research-related purpose, you must delete it.

You must have appropriate safeguards in place for people's rights and freedoms.

Further reading – ICO guidance

- Purpose limitation
- Storage limitation

What lawful basis should we use when processing personal data for research-related purposes?

Article 6 of the UK GDPR sets out the lawful bases for processing. You must have a lawful basis in order to process personal data.

The most appropriate lawful basis depends on your specific purposes and the context of the processing. However, in the context of research-related processing, the most appropriate lawful basis is either:

- public task – the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law; or
- legitimate interests – the processing is necessary for your legitimate interests, or the interests of a third party, unless there is a good reason to protect the person's personal data which overrides those legitimate interests.

Which of these applies depends on the specific purposes of your processing, and what type of organisation you are. If you are a private or third sector organisation conducting research, legitimate interests is the most likely lawful basis for your processing. However, if you are a public authority, such as a university or an NHS organisation, public task is the most likely lawful basis.

Further reading – ICO guidance

- Lawful basis
- Public task
- Legitimate interests

What about consent?

If you are conducting a research study using personal data, such as medical research or a clinical trial, you will often need to obtain consent from participants to take part. Consent is an important ethical standard that ensures and protects the autonomy and privacy of participants in research studies.

However, it is important to note that consent to participate in a research study is distinct from consent as a UK GDPR lawful basis to process personal data. Even if you have a separate ethical or legal obligation to get consent from people participating in your research, you should not confuse this with UK GDPR consent.

Needing people's consent to participate in your research study does not mean that consent is the most appropriate lawful basis for processing their personal data. There is no rule that says you must rely on consent to process personal data for scientific research purposes. You may well find that a different lawful basis (and a different special category data condition) is more appropriate in the circumstances. In fact, in most cases, consent is not the most appropriate lawful basis.

This is because valid consent under the UK GDPR means the person can withdraw it at any time. There is no exemption to this for scientific research. This means that if you are relying on consent as your lawful basis and someone withdraws their consent, you need to immediately stop processing their personal data, or anonymise it.

Consent is only valid if the person can withdraw it at any time. If you cannot fully action a withdrawal of consent – because it would undermine the validity of your research and effective anonymisation is not possible – then you cannot rely on consent as your lawful basis (or condition for processing special category data).

Also, consent is not an appropriate lawful basis for processing where there is a power imbalance between

you and the person whose personal data you are processing. This is particularly likely if you are a public authority. If you are a research institution undertaking a study, a power imbalance may exist between you and your participants. In these cases, the participants may not freely give consent, and so it cannot be valid.

Therefore, if you are processing personal data for one of the research-related purposes, it is unlikely that consent is the correct lawful basis.

We produced a lawful basis interactive guidance tool, to give more tailored guidance on the most appropriate lawful basis for your processing activities.

Further reading – ICO guidance

- Lawful basis for processing
- Consent
- Public task
- Legitimate interests
- Lawful basis interactive guidance tool

What is the research condition for processing special category data?

If you are processing special category data, you need to identify both a lawful basis for processing and a special category condition for processing in compliance with Article 9.

Special category data is personal data that needs more protection because it is sensitive. It is defined as:

- personal data revealing racial or ethnic origin;
- personal data revealing political opinions;
- personal data revealing religious or philosophical beliefs;
- personal data revealing trade union membership;
- genetic data;
- biometric data (where used for identification purposes);
- data concerning health;
- data concerning a person's sex life; or
- data concerning a person's sexual orientation.

The presumption is that organisations need to treat this type of data with greater care. This is because collecting and using it is more likely to interfere with people's fundamental rights.

You can only process special category data if you can meet one of the specific conditions in Article 9 of the UK GDPR. One of these conditions is that the processing is necessary for research-related purposes.

Article 9(2)(j) provides a condition for processing if it is necessary for:

- archiving purposes in the public interest,

- scientific or historical research purposes; or
- statistical purposes.

Schedule 1 paragraph 4 of the DPA 2018 sets out some additional requirements for you to rely on this condition. This states that you can process special category data for research-related purposes, if the processing is:

- necessary for that purpose – it is a reasonable and proportionate way of achieving your purpose, and you must not have more data than you need;
- subject to appropriate safeguards for people's rights and freedoms, as set out in Article 89(1) of the UK GDPR;
- not likely to cause someone substantial damage or substantial distress;
- not used for measures or decisions about particular people, except for approved medical research; and
- in the public interest.

Further Reading

Relevant provisions in the UK GDPR see Article 9(2)(j)
External link

Relevant provisions in the Data Protection Act 2018 see Schedule 1 Paragraph 4
External link

Further reading – ICO guidance

Special category data

What is the research condition for processing criminal offence data?

The UK GDPR gives extra protection to "personal data relating to criminal convictions and offences or related security measures". We refer to this as criminal offence data.

If you are processing criminal offence data, you need a lawful basis for processing. In addition, you can only process criminal offence data if:

- the processing is under the control of official authority; or
- you meet one of the conditions in Schedule 1 of the DPA 2018.

If you are processing criminal offence data for research-related purposes, Schedule 1 condition 4 of the DPA 2018 sets out the relevant condition.

This condition means that you can process criminal offence data for research-related purposes if the processing:

- necessary for that purpose – it is a reasonable and proportionate way of achieving your purpose, and you must not have more data than you need;

- subject to appropriate safeguards for people's rights and freedoms, as set out in Article 89(1) of the UK GDPR;
- not likely to cause someone substantial damage or substantial distress;
- not used for measures or decisions about particular people, except for approved medical research; and
- in the public interest.

Further Reading

Relevant provisions in the legislation - See UK GDPR see Article 10
External link

Relevant provisions in the legislation - See DPA 2018 see Schedule 1 Paragraph 4
External link

Further reading – ICO guidance

Criminal offence data

What does 'necessary' mean?

To use the research conditions for processing special category and criminal offence data, you need to demonstrate that the processing is 'necessary' for your purpose.

This does not mean that the processing is absolutely essential. However, it must be more than just useful or habitual. It must be a targeted and proportionate way of achieving your purpose.

The conditions do not apply if you can reasonably achieve the same purpose by less intrusive means. You should carefully consider the data minimisation principle when working with special category or criminal offence data.

It is not enough to argue that processing is necessary because it is standard practice or part of your particular business model, processes or procedures. The question is whether processing the special category or criminal offence data is a targeted and proportionate way of achieving your research purposes.

When is research-related processing 'in the public interest'?

To rely on the research condition for processing special category or criminal offence data, the DPA 2018 states that your processing must be in the public interest.

The legislation does not define the 'public interest'. However, you should broadly interpret public interest in the research context to include any clear and positive public benefit likely to arise from that research.

The public interest covers a wide range of values and principles about the public good, or what is in society's best interests. In making the case that your research is in the public interest, it is not enough to point to your own private interests. Of course, you can still have a private interest – you just need to make

sure that you can also point to a wider public benefit.

Some examples of the form this benefit could take are:

- improved health and wellbeing outcomes;
- improved financial or economic outcomes for individuals or the collective public;
- the advancement of academic knowledge in a given field;
- the preservation of art, culture and knowledge for the enrichment of society both now and in the future; or
- the provision of more efficient or more effective products and services for the public.

It is your responsibility to demonstrate that the processing you are proposing to undertake is in the public interest. You may want to consider the 'breadth and depth' of that public benefit. For example, what proportion of the public are benefitting from your research processing, and by how much? Something that benefits a small number of people by an insignificant amount is unlikely to have a strong public interest case.

However, it is possible that processing for research which only benefits a small number of people, but benefits them significantly, can be in the public interest. Public interest may exist in something even if it does not benefit the whole of society. There may be a strong public interest in something which has an important benefit on a small section of the public, so long as it does not also harm society's wider interests. For example, processing for the purposes of research into rare but debilitating medical conditions is likely to be in the public interest. Similarly, research processing that generated only a modest benefit, but to a significantly large number of people, could be in the public interest.

The avoidance of harm to the public will also be a key factor in determining whether or not your research is in the public interest. Clearly, if the processing causes more harm than benefit, it is unlikely to be in the public interest. Additionally, you may not make use of the research provisions if your processing is likely to cause substantial damage or distress.

Public sector bodies or private and third sector organisations can conduct public interest research. The focus is on the processing activity, not on your organisation's status. You don't have to be a public body or have significant public interest objectives as part of your founding organisational goals or mission statement. You just need to demonstrate that the processing itself is in the public interest.

Exemptions

At a glance

- People have specific rights over their data – including rights to be informed, to access, to rectify (correct), to erase, to restrict, to port (move) and to object.
- Some of these rights contain built-in exceptions for research.
- For other rights, you could rely on a separate research exemption, if fully complying with the right would undermine your research purposes.
- You shouldn't rely on exceptions or exemptions in a blanket manner. You must consider them case by case.
- You should only restrict someone's rights if the exemption applies and there is a valid reason to apply it.
- If you can fully comply with people's rights without undermining your research purposes, you cannot use the exemptions.

In detail

What should we take into account when applying these exemptions?

Articles 13 to 21 of the UK GDPR set out the rights that people have over how organisations use their data.

Most of these rights have exemptions available when processing data for research-related purposes. These exemptions may apply to the following rights, which are:

- the right to be informed;
- the right of access;
- the right to rectification;
- the right to erasure;
- the right to restrict processing;
- the right to data portability; and
- the right to object.

For some of these rights, there is a built-in exception for research. For others, Schedule 2 of the DPA 2018 sets out a separate exemption.

You should only restrict someone's rights if the exemption applies and there is a valid reason to apply it. You should demonstrate a causal link between complying with the right and the potential prejudicial effect that you identified.

You should not apply the research-related exemptions in a blanket fashion. You should only apply them **to the extent that** the application of the specific right would cause the identified prejudicial effect. Therefore, the application of the exemptions must be necessary and proportionate. You must consider the application of the exemptions on a case-by-case basis.

You should document your reasons for relying on an exemption. You must make this reasoning available to the ICO if required.

You must inform the person without undue delay and within one month of receipt of the request about:

- the reasons why you are refusing the request;
- their right to make a complaint to the ICO; and
- their ability to seek to enforce this right through the courts.

The following sections explain how the research-related exemptions affect each of these rights.

Further Reading

> Relevant provisions in the UK GDPR (the exempt provisions) – Articles 14(1)-(4), 15(1)-(3), 16, 18(1) and 21 (1)
> External link

> Relevant provisions in the Data Protection Act 2018 (the exemption) – Schedule 2, Part 6, Paragraph 27
> External link

What is the exception to the right to be informed?

The right to be informed covers some of the key transparency requirements of the UK GDPR. It is about providing people with clear and concise information about what you do with their personal data.

Articles 13 and 14 of the UK GDPR specify what people have the right to be informed about. We call this 'privacy information'.

However, the UK GDPR recognises that you may have difficulty providing this information when processing data you obtained from another organisation, rather than directly from the person.

Article 14(5)(b) provides an exception from your obligations under the right to be informed when receiving personal data from a source other than the individual, if providing this information:

- proves impossible or would involve disproportionate effort; or
- would likely render impossible or seriously impair the processing's objectives

The UK GDPR recognises that the first of these issues is especially likely to arise in a research context. This is because you may sometimes carry out processing for one of the research-related purposes, using data originally obtained a long time ago by a different organisation.

However, even in this situation, you do not have an automatic exception from the requirement to provide privacy information. You must consider whether the provision of privacy information would involve disproportionate effort. To do this, you must balance the effort and impact required to provide privacy information against the potential effect of your use of data on the person.

When assessing disproportionate effort, you should consider:

- the number of people affected;
- the age of the data; and
- any appropriate safeguards you adopted.

If you determine that providing privacy information to people does involve disproportionate effort, you must still:

- publish the privacy information (eg on your website); and
- carry out a data protection impact assessment (DPIA).

This exception also removes the obligation to provide privacy information, if doing so would render impossible or seriously impair the objectives of your processing.

It is important to note that this exception does **not** apply if you are using data for research purposes collected directly from the person.

Further reading – ICO guidance

Right to be informed

What is the exemption from the right of access?

Under Article 15 of the UK GDPR, people have the right to obtain a copy of their personal data, as well as other supplementary information. This is the right of access, or subject access.

However, there are exemptions from the right of access if you are processing for research-related purposes. These are listed in separate paragraphs of the DPA 2018:

- Schedule 2 Paragraph 27 provides an exemption if you are processing personal data for scientific or historical research purposes or statistical purposes.
- Schedule 2 Paragraph 28 provides an exemption if you are processing for archiving purposes in the public interest.

The exemptions only apply:

- to the extent that providing access to the data would prevent or seriously impair the achievement of the purposes for processing;

- if the processing is subject to appropriate safeguards for people's rights and freedoms;
- if the processing is not likely to cause someone substantial damage or substantial distress; and
- if you do not use the processing for measures or decisions about particular people, except for approved medical research.

Schedule 2 paragraph 27 sets out a further condition on the exemption for scientific or historical research or statistics. It requires anonymisation of research results or any resulting statistics. This condition does not apply to archiving in the public interest.

You must show that complying with the right of access would prevent or seriously impair your ability to achieve your research purposes.

You should not apply the exemptions in a blanket fashion. You should only apply them **to the extent that** the application of the specific right would cause the identified prejudicial effect. Therefore, you must apply the exemptions in a necessary and proportionate way. You must also consider the application of the exemptions on a case-by-case basis.

Example

Someone becomes aware that an organisation has received their health data. They are processing it for scientific research purposes. The person makes a request to the organisation for a copy of all the data the organisation holds about them.

The person's data is part of a relatively small data set. Disclosure of the data would not prevent or seriously impair the research project. As such, the use of the exemption from the right of access is not necessary.

In these circumstances the exemption does not apply and the organisation should not use it. They should therefore disclose the information they hold.

Further reading – ICO guidance

Right of access

What is the exemption from the right to rectification?

Under Article 16 of the UK GDPR, people have the right to have inaccurate personal data rectified. When someone makes a request for rectification, you should normally take reasonable steps to satisfy yourself that the data is accurate and to rectify the data if necessary. You should take into account the person's arguments and evidence they provide.

However, there are exemptions from the right to rectification if you are processing for research-related processing. These are listed in separate paragraphs of the DPA 2018:

- Schedule 2 Paragraph 27 provides an exemption if you are processing personal data for scientific or historical research purposes or statistical purposes.
- Schedule 2 Paragraph 28 provides an exemption if you are processing for archiving purposes in the public interest.

The exemptions only apply:

- to the extent that rectifying the data would prevent or seriously impair the achievement of the purposes for processing;
- if the processing is subject to appropriate safeguards for people's rights and freedoms;
- if the processing is not likely to cause someone substantial damage or substantial distress; and
- if you do not use the processing for measures or decisions about particular people, except for approved medical research.

You must show that complying with the right to rectification would prevent or seriously impair your ability to achieve your research-related purposes. For example, archived records of enduring value are not, generally speaking, altered after the archiving organisation receives them.

You should not apply the exemptions in a blanket fashion. You should only apply them to the extent that the application of the right to rectification would cause the identified prejudicial effect. Therefore, you must apply the exemptions in a necessary and proportionate way. You must also consider the application of the exemptions on a case-by-case basis.

Further reading – ICO guidance

Right to rectification

What is the exception to the right to erasure?

Under Article 17 of the UK GDPR, people have the right to have their personal data erased. This is also known as the 'right to be forgotten'. However, there is a built-in exception for research.

Article 17(3)(d) states that, if you are processing data for research-related purposes, the right to erasure does not apply **in so far as** complying with the right is likely to render impossible or seriously impair the achievement of your research-related purposes.

Further reading – ICO guidance

Right to erasure

Example

A pharmaceutical company is testing a new drug. They hope to use it in future to treat patients with a rare form of cancer. To test the drug, the company needs to process the personal data of people who take part in drug trials. This includes their health data.

Participants in the drug trial proactively agree to take part in the trial. However, the organisation processes their personal data on the basis of legitimate interests.

During the trial, a participant chooses to withdraw from further tests. The person makes a request to the company to erase all of the personal data they hold about them. This includes their health data generated during the trial.

Complying with this request would undermine the integrity of the company's data set. It would risk skewing the results of the study. It would thus render impossible or seriously impair the achievement of the company's research objectives.

In these circumstances, the exception from the right to erasure would apply. The company is justified in refusing the request to erase the person's personal data.

What is the exemption from the right to restrict processing?

Under Article 18 of the UK GDPR, people have the right to restrict the processing of their personal data in certain circumstances. This means that someone can limit the way that an organisation uses their data. This is an alternative to requesting the erasure of their data.

However, there are exemptions from the right to restrict processing if you are processing for research-related purposes. These are listed in separate paragraphs of the DPA 2018:

- Schedule 2 Paragraph 27 provides an exemption if you are processing personal data for scientific or historical research purposes or statistical purposes.
- Schedule 2 Paragraph 28 provides an exemption if you are processing for archiving purposes in the public interest.

The exemptions only apply:

- to the extent that restricting processing would prevent or seriously impair the achievement of the purposes for processing;
- if the processing is subject to appropriate safeguards for people's rights and freedoms;
- if the processing is not likely to cause someone substantial damage or substantial distress; and
- if you do not use the processing for measures or decisions about particular people, except for approved medical research.

You must show that complying with the right to restrict processing would prevent or seriously impair your ability to achieve your research purposes.

You should not apply the exemptions in a blanket fashion. You should only apply them to the extent that the application of the right to rectification would cause the identified prejudicial effect. Therefore, you must

apply the exemption in a necessary and proportionate way. You must also consider the application of the exemption on a case-by-case basis.

Further reading – ICO guidance

Right to be restrict processing

What is the archiving exemption from the right to data portability?

Under Article 20 of the UK GDPR, people have the right to receive personal data they provided to a controller in a structured, commonly used and machine-readable format. It also gives them the right to request that a controller transfers this data directly to another controller.

The right to data portability only applies when:

- your lawful basis for processing this information is consent **or** for the performance of a contract; and
- you are carrying out the processing by automated means (ie excluding paper files).

In practice, this right is usually relevant to organisations who are providing a service to a customer. It allows that customer to easily port their own data to other service providers. It's much less likely to apply in the context of research.

Because the right is unlikely to apply in a research context, there is no general exemption for research purposes.

However, Schedule 2 Paragraph 28 of the DPA 2018 provides an exemption from the right to data portability if you are processing for archiving purposes in the public interest.

The exemption only applies:

- to the extent that upholding the right to data portability would prevent or seriously impair the achievement of the purposes for processing;
- if the processing is subject to appropriate safeguards for people's rights and freedoms;
- if the processing is not likely to cause substantial damage or substantial distress to someone; and
- if you do not use the processing for measures or decisions about particular people, except for approved medical research.

There is no equivalent exemption from the right to data portability if you are processing for scientific or historical research or statistics. However, this is unlikely to have significance. For most research-related processing, the right to data portability does not apply.

Further reading – ICO guidance

Right to restrict processing

What is the exemption from the right to object?

Under Article 21 of the UK GDPR, people have the right to object to the processing of their personal data at any time. This right allows people to ask you to stop processing their personal data, or requires you to justify why you need to do so.

For more information on this right, see our guidance on the right to object.

Where you are processing personal data for scientific or historical research or statistical purposes, the right to object is more restricted.

Article 21(6) states:

> Where personal data are processed for scientific or historical research purposes or statistical purposes pursuant to Article 89(1), the data subject, on grounds relating to his or her personal situation, shall have the right to object to processing of personal data concerning him or her, unless the processing is necessary for the performance of a task carried out for reasons of public interest.

Effectively, this means that if you are processing data for scientific or historical research or for statistical purposes, and have appropriate safeguards in place, someone only has a right to object if your lawful basis for processing is:

- public task – on the basis that it is necessary for the exercise of official authority vested in you; or
- legitimate interests.

It is important to note that someone does **not** have a right to object if your lawful basis for processing is public task because it is necessary for the performance of a task you are carrying out in the public interest.

Article 21(6) therefore differentiates between the two parts of the public task lawful basis (performance of a task you are carrying out in the public interest **or** in the exercise of official authority vested in you).

This may cause problems if you are relying on the public task lawful basis for processing. You may find it difficult to decide if you are carrying out the processing solely as a task in the public interest, or in the exercise of official authority.

If you are carrying out research-related processing solely for the performance of a task you are carrying out in the public interest, this should be made clear in your privacy notice.

If someone objects to you processing their personal data, you must consider their objection and the reasons they give.

However, you can still continue with the processing, if you can demonstrate compelling legitimate grounds for the processing. They must override the person's interests (including any specific circumstances they raise in their objection).

We would expect that, in most cases, the legitimate interests in compliant research would override someone's objection. This means that, in most cases, you won't actually need to rely on the exemption. You can give full effect to the person's right to object by considering the objection. You can then explain to them why your legitimate interests in the research override their objection in the specific circumstances.

However, if you believe that even considering the objection would prevent or seriously impair the achievement of your research objectives, you may use the research-related exemptions. These are listed in separate paragraphs in the DPA 2018:

- Schedule 2 Paragraph 27 provides an exemption if you are processing personal data for scientific or historical research purposes or statistical purposes.
- Schedule 2 Paragraph 28 provides an exemption, if you are processing for archiving purposes in the public interest.

The exemptions only apply:

- to the extent that upholding the right to object would prevent or seriously impair the achievement of the purposes for processing;
- if the processing is subject to appropriate safeguards for people's rights and freedoms;
- if the processing is not likely to cause someone substantial damage or substantial distress; and
- if you do not use the processing for measures or decisions about particular people, except for approved medical research.

The onus is on you to demonstrate why even considering the objection would prevent or seriously impair your research objectives. You may find this difficult to do, given that you should not apply the exemptions in a blanket fashion. In most situations, considering whether or not to apply the exemption in a particular case has the same practical effect as simply considering the objection.

However it is feasible that, in some contexts, the act of considering objections might prevent or seriously impair your research objectives. For example, the volume of objections you receive means that considering them all would divert limited resources away from your main functions. In this context, you still should not apply the exemptions in a blanket fashion. However, you may choose to have a general policy that you do not consider objections. In specific circumstances, you could then deviate from the policy in any particular case.

Given that this situation is unlikely to occur, we consider that in most cases, you do not need to apply the exemption from the right to object. We would prefer you to consider the objection, and then explain to the person why your legitimate interests in pursuing the research override the circumstances of their objection.

Further reading – ICO guidance

Right to object

What are the appropriate safeguards?

At a glance

- In order to use the research provisions, you need to have appropriate safeguards in place. These protect the rights and freedoms of the people whose personal data you are processing.
- These safeguards take the form of technical and organisational measures to ensure respect for the principle of data minimisation.
- Where possible, you should carry out your research using anonymous information. This information is not personal data and data protection law does not apply.
- Where it is not possible to use anonymised data, you should consider whether it is possible to pseudonymise the data. Pseudonymous data is still personal data and data protection law applies.
- You are not allowed to use the research provisions if the processing is likely to cause someone substantial damage or substantial distress.
- You are not allowed to use the research provisions if you are carrying out the processing for the purposes of measures or decisions with respect to particular people, unless the research is approved medical research.

In detail

What does the law say?

Article 89 of the UK GDPR says that use of the research provisions is dependent on you having appropriate safeguards in place. These protect the rights and freedoms of the people whose personal data you are processing.

These safeguards take the form of technical and organisational measures. Article 89 specifically mentions measures to ensure respect for the principle of data minimisation. This may involve, where possible, anonymising or pseudonymising data.

Section 19 of the DPA 2018 adds to these safeguards by stating that research-related processing does not satisfy Article 89 if the processing:

- is likely to cause people substantial damage or substantial distress; or
- is carried out for the purposes of measures or decisions about particular people, except for approved medical research.

What is data minimisation?

Article 5(1)(c) of the UK GDPR says that personal data should be:

> "…adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed (data minimisation)."

This means that you should identify the minimum amount of personal data you need to fulfil your purpose. You should hold that much information, but no more.

You should first consider whether it is possible to conduct your research without using personal data. If you could carry out your research using anonymised data, then you do not need to process personal data. Therefore, you cannot rely on the research provisions.

Anonymous information is not personal data. Data protection law does not apply.

Anonymisation refers to the techniques and approaches that aim to ensure the data:

- is not about an identified or identifiable person; or
- is made anonymous in such a way that people are not (or are no longer) identifiable.

However, anonymised data may not fulfil your research purposes. For example, if you are tracking people in a longitudinal study, then aggregated or anonymous data would make the research impossible.

What is pseudonymisation?

Where you cannot use anonymised data, you should consider whether you could pseudonymise the data.

Pseudonymisation refers to techniques that replace or remove identifiable information. Pseudonymisation means that people are not identifiable from the dataset itself. However, they are still identifiable by referring to other, separately held information.

Pseudonymous data is still personal data and data protection law applies.

You should ensure that you do anonymisation or pseudonymisation at the earliest possible opportunity, ideally prior to using the data for research purposes.

The ICO is currently working on new guidance on anonymisation, pseudonymisation and privacy enhancing technologies. We are going to add links to this guidance here when we publish it.

When is processing likely to cause substantial damage or substantial distress?

Section 19(2) of the DPA 2018 says that you are not allowed to use the research provisions if the processing is likely to cause someone substantial damage or substantial distress.

The legislation does not define what it means by substantial damage or substantial distress.

However, in most cases, substantial damage would include both material and non-material harms, such as:

- financial loss;
- economic or social disadvantage;
- physical harm;
- damage to reputation;
- loss of confidentiality; or
- deprivation of rights.

Substantial distress would include upset, emotional or mental pain. It goes beyond annoyance, irritation, or strong dislike.

What does 'not used for measures or decisions about particular individuals' mean?

Most research has some influence on how organisations take future measures and decisions. This is by generating new insights that inform policy-making or producing new techniques and processes that change how organisations offer services. These are legitimate objectives for research to pursue. Processing which aims to change how organisations take future measures and decisions can often rely on the research provisions.

However, Section 19(3) of the DPA 2018 says that you are not allowed to use the research provisions if you are carrying out processing for the purposes of measures or decisions with respect to particular people, unless the research is approved medical research. This means you cannot rely on the research provisions if you are intending to use that data, and the results of your research, to make specific decisions about the people involved, or to inform the services you provide to them.

It also means that after relying on the research provisions to justify retaining data past your normal operational retention periods, you can't later decide to reuse that data to make decisions about the people involved. You can only use the data for research.

This does not mean that you cannot undertake research where the principle aim is to change the way organisations make future decisions. Many research projects have practical application, or aim to influence how to treat people. What it means is that you cannot use the findings of your research to provide specific, individualised services or decisions to any subject of your research.

The only exception to this is approved medical research. Approved medical research means medical research approved by a research committee recognised or established by the Health Research Authority. It also includes recognition or establishment by another body for the purpose of assessing the ethics of research involving people, appointed by any of the following:

- the Secretary of State, the Scottish Ministers, the Welsh Ministers or a Northern Ireland Department;
- in England, an NHS trust or NHS foundation trust;
- in Wales, an NHS trust or Local Health Board;
- in Scotland, a Health Board, Special Health Board or the Common Services Agency for the Scottish Health Service;
- in Northern Ireland, a Health and Care social body as defined by Section 1(5) paragraphs (a) to (e) of the Health and Social Care (Reform) Act (Northern Ireland) 2009;

- United Kingdom Research and Innovation or one of the Research Councils; or
- a research institution as defined by Chapter 4A of Part 7 of the Income Tax (Earnings and Pensions) Act 2003.

Further Reading

Relevant provisions in the Data Protection Act 2018 – Section 19(3)
External link

What other safeguards do we need to have in place?

Measures to respect data minimisation, including anonymisation and pseudonymisation, are explicitly mentioned by Article 89 as appropriate safeguards. You must have these in place when you are processing personal data for research-related purposes. However, these are not the only safeguards you need to consider.

'Appropriate' measures depends on the purposes of your processing. For example, you may find data minimisation and anonymisation are inappropriate measures when processing for archiving purposes in the public interest. This is because such measures risk compromising the integrity and authenticity of the records. You should ensure you adopt the appropriate technical and organisational measures for your context and purposes.

There are a range of technical and organisational measures you can use. These may include:

- taking a 'data protection by design and default' approach to your processing activities;
- implementing appropriate security measures;
- carrying out DPIAs, where necessary;
- appointing a data protection officer, where necessary;
- providing appropriate levels of staff training;
- using privacy enhancing technologies eg trusted research environments; and
- using accountability frameworks such as the Five Safes Framework.

Further reading – ICO guidance

- Data minimisation
- Security
- Data protection by design and default
- Data Protection Impact Assessments
- Accountability framework
- The ICO is currently working on new guidance on anonymisation, pseudonymisation and privacy enhancing technologies. We will add links to this guidance here when we publish it.