



2.11.2 Data Protection Assessment			
	Question	Help Text	Guidance
2.11.2.1	<p><i>What is Trinity's role in the project?</i></p> <p><i>Drop down menu</i></p> <ul style="list-style-type: none"> <i>Data controller</i> <i>Joint controller</i> <i>Data processor</i> 	<p>See Guidance - please review carefully before answering.</p> <p>Please note that Trinity staff and students are not considered as data controllers or 'data processors' under GDPR. Trinity as an organisation is the data controller or data processor dependent on staff and student's role in the project.</p>	<p>It is important to understand the concepts of data controller, joint controller and data processor, as each has clearly defined responsibilities under data protection legislation.</p> <p>Data controller (The organisation that decides <u>how</u> and <u>why</u> personal data is processed/used for the research project).</p> <p>In general terms, this means the controller is the organisation which designs the research proposal – the <u>how</u> (i.e. which means shall be employed to attain the objective) and <u>why</u> (i.e. "to what end"; or "what for") of the research.</p> <p>A controller decides the following parameters: the nature of data processed ("which data shall be processed?"), the duration of the processing ("for how long shall they be processed?"), the categories of recipients ("who shall have access to the data?") and the categories of data subjects ("whose personal data are being processed?").</p> <p>In most instances, Trinity will be considered as the data controller for college research projects.</p> <p>Employees are not controllers.</p> <p>Points to note:</p> <p>It is not necessary that the controller actually has access to the data that is being processed in order to be a controller under the GDPR.</p> <p>Someone who outsources a processing activity and in doing so, has a determinative influence on the purpose and (essential) means of the processing (e.g., by adjusting parameters of a service in such a way that it influences whose personal data shall be processed), is to be regarded as controller even though he or she will never have actual access to the data.</p> <p>This would be the case for example with surveys that we outsource to third parties to complete on our behalf, even if we are only receiving aggregate data from the survey provider.</p> <p>Joint controller: Two or more controllers working together which decide how and why the personal data is processed for the research project.</p>



			<p>Joint control does not mean that there is a 50/50 division of responsibility. It can be as little as 10/90 as regards your role in the research project.</p> <p>If you are a joint controller, you must have an ‘arrangement’ in place with each of the other joint controllers.</p> <p>And you must, in a transparent manner, set out and agree on your respective responsibilities. Article 26 GDPR notes that joint controllers must determine their respective responsibilities for compliance with their obligations “in particular as regards the exercising of the rights of the data subject and their respective duties to provide the information referred to in Articles 13 and Article 14, by means of an arrangement between them.” The arrangement may designate a contact point for data subjects.</p> <p>An agreement is the most appropriate arrangement to put in place to allocate responsibilities of each joint controller. For further assistance please contact dataprotection@tcd.ie.</p> <p>Data processor: A separate organisation to the controller that processes personal data on behalf of the controller and under the instruction controller. In doing so, they serve the controller’s interests rather than their own.</p> <p>In simple terms, a processor can only do what the controller tells them to do with the controller’s data, and nothing else.</p> <p>Two basic conditions for qualifying as a processor exist:</p> <ol style="list-style-type: none">1. that it is a separate entity from the controller; and2. that it processes personal data on behalf of the controller. <p>A processor is usually a third-party service provider such as; a survey software solutions (e.g. Qualtrics, Microsoft), cloud storage services (e.g. MS Azure, AWS), transcription services (e.g. Audiotrans). In some rare situations, Trinity may be carrying out analysis on behalf of a third party controller. In that scenario, Trinity is the processor.</p> <p>Please note that Trinity staff and students are not considered as data controllers or ‘data processors’ under GDPR. Trinity as an organisation is the data controller or data processor dependent on staff and student’s role in the project.</p> <p>Processing: Any activity performed on personal data, whether or not by automated means, such as collection, recording, organisation, storage, adaption, retrieval, consultation, combination, sharing, anonymisation, erasure or destruction. <u>Processing can be paper-based and /or electronic.</u></p>
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			<p>Personal data: Any information relating to an identified or identifiable living individual. In general terms, personal data means information about a particular living individual.</p> <p>'Identifiable' means a living individual who can be identified directly or indirectly in particular by an identifier such as: name, address, identification number (staff ID, participant ID reference code used instead of name), location data, an online identifier such as an internet protocol (IP) address, Internet cookie identifier, or other identifiers such as radio frequency identification tags, or any one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that living individual.</p> <p><u>Even when personal data has been replaced by a code (i.e. pseudonymised) it should still be considered as 'personal data' if it is possible to link back to the individual using this code.</u></p> <p>Link to Trinity Data Protection handbook for further examples of personal data or information of relevance (see page 8).</p> <p>Examples of research activities which may involve the processing/use of personal data include, but are not limited to: interviews, audio recordings, transcriptions, questionnaires, surveys or the use of data within a database (MS Excel) where participants are assigned a code and the key to the identifying data, such as name, address, email address etc., is retained.</p>
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