Thinking with GDPR

Andrew Cormack, Chief Regulatory Adviser, Jisc

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It’s about … Controllers, not subjects

- Accountability: show we are thinking
  - About design, safeguards, operation and review
  - About impact on individuals and groups
  - Data Protection Impact Assessment (DPIA)
- Purpose Limitation: why are we doing this?
  - Clear statement/understanding of purpose(s)
  - Stick to those
- Lawful basis: why are we allowed to do it?
  - Each has its own requirements & guidance

Contract delivery
Legal Obligation
Protect life (“vital interests”)
Public Interest
Legitimate Interest

GDPR Art 6(1)

… Allowing Necessary Processing, not preventing it

Necessary means…

- "No less intrusive way to achieve purpose"
  - Least data
  - Least processing
  - Least disclosure
  - Least storage
- Lots of technologies to help…

Attributes: what, not who
Pseudonyms: recognise, not identify
Statistics: count/average/etc.
Roles: e.g. for policy enforcement
Federations: see later…
etc.

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… Notice, not (mostly) choice

“Natural consequences”…

- Always inform people…
  - Who (you are)
  - What (you are doing, inc.legal basis)
  - Why (purpose(s))
  - How long (it will last)
  - Who else/Where (is involved)
  - How (to exercise their rights)
- Occasionally seek Consent…
  - When they actually **have** a choice
  - Typically, if offering a **deeper** relationship
  - **Not**, to find out if any relationship is OK
    - If you (still) need to ask that, it probably isn’t

> “Customers expected us to do the right thing on their behalf, not just give them the info to choose for themselves (arguably an abdication of corporate responsibility).”
>
> Guy Singh-Watson, 2020

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… Doing what Users and Customers Expect

Less data collection/flow/disclosure

More effective use of information

More confidence and trust

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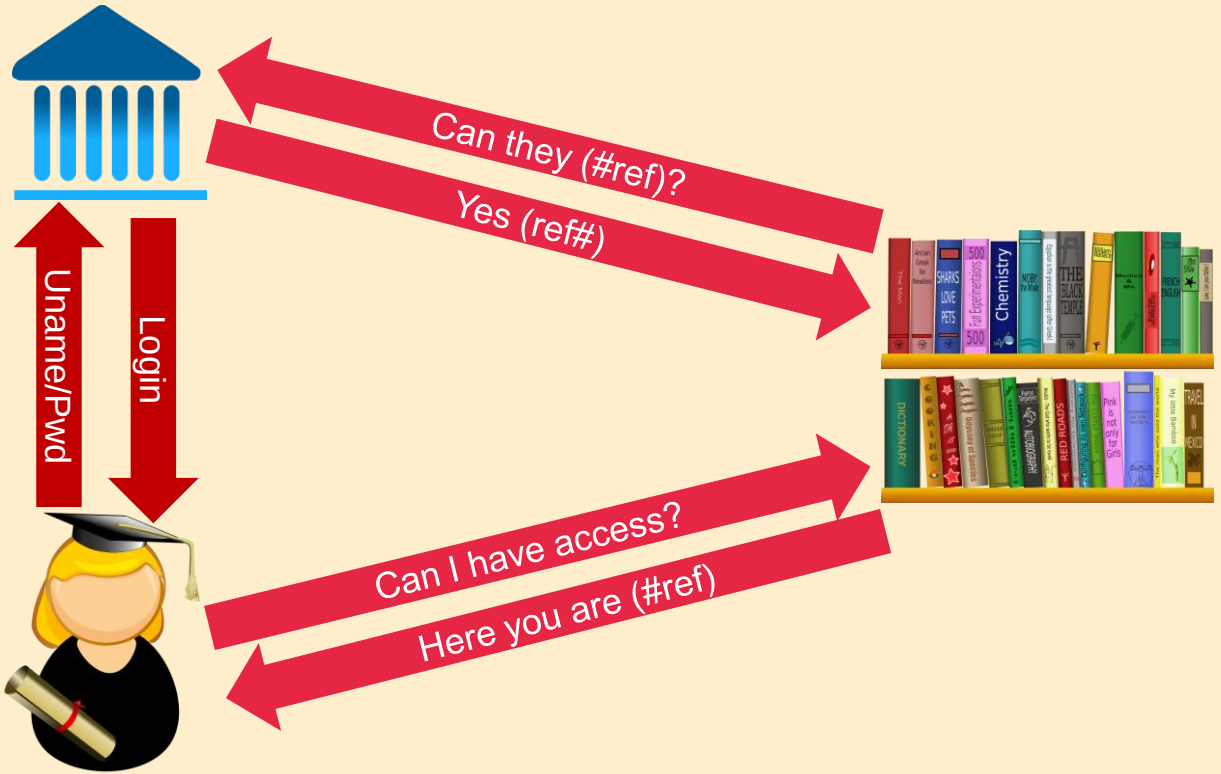
Examples

Improving on Traditional Authentication/Authorisation

Lots of (mostly unnecessary) information disclosure

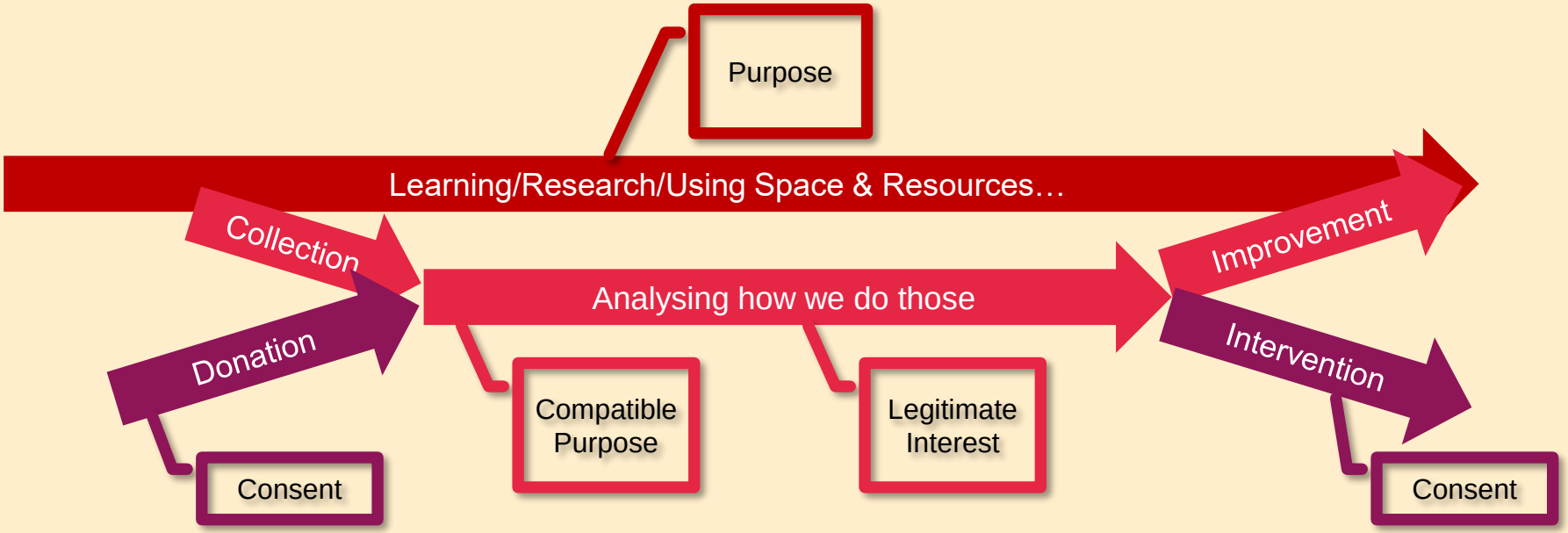
Federated Authentication/Authorisation

Working together to get the (necessary, trusted) information we need…



Safe, Confidence-building Analytics

Looking at how we do things, to make them better…



References

- Legal basis: https://regulatorydevelopments.jiscinvolve.org/wp/2019/10/23/gdpr-whats-your-justification/

Federations

- https://regulatorydevelopments.jiscinvolve.org/wp/2018/03/23/federated-authentication-and-the-gdpr-principles/

Analytics

- Paper: https://learning-analytics.info/index.php/JLA/article/view/4554
- CoP: https://www.jisc.ac.uk/guides/code-of-practice-for-learning-analytics
- DPIA: https://repository.jisc.ac.uk/7150/1/data_protection_impact_assessment_learning_analytics.pdf

Blog

- https://regulatorydevelopments.jiscinvolve.org/wp/tag/data-protection-regulation/

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