Research data policy and protocol Faculty of Law

For academic research by or led by Faculty staff members, applied academic and non-academic research, and student research.

Introduction

This protocol establishes the research data policy of the Faculty of Law and the Groningen Centre for Law and Governance (GCLG). The protocol primarily applies to academic research by or under the supervision of staff members of the Faculty. In addition, it also applies to applied research and to research carried out by students.

Applied research is defined in this protocol as any research that does not involve academic output such as an academic publication. This could, for example, be research into the functioning of an organization or institution, the effectiveness of management and organizational design, or research into the quality of teaching, such as course evaluations or career paths of alumni.

Research by students is defined as research within the framework of the degree programme, for example a thesis or a final project, under the supervision of a staff member of the Faculty.

The Faculty of Law's policy focuses in particular on sustainable digital storage of research data from non-public sources and on the careful processing of personal data in research, in accordance with the General Data Protection Regulation (GDPR).

Non-public sources are, for example: court case files and proceedings at the Tax and Customs Administration (Belastingdienst) or the Employee Insurance Agency (UWV), internal knowledge bases of (legal) organizations and professionals, and internal company data.

Personal data are all data that relate to an identified or identifiable natural person as referred to in Art 4 under 1. GDPR. This means any information that is either directly about someone or can be traced back to this person.[1]

Please note:

Within the Faculty and the GCLG, much research is conducted with consultation of public sources, such as case law and laws and regulations. This Research Data Protocol does not apply to research limited to these sources provided that these sources do not contain personal data.

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[1] https://autoriteitpersoonsgegevens.nl/nl/over-privacy/persoonsgegevens/wat-zijn-persoonsgegevens

Basic principles for the Faculty policy

1. In 2021, the Board of the University adopted the UG Research Data Policy.[2] In it, the frameworks for data management that faculties, research institutes, graduate schools and researchers must comply with are set out.
2. The Netherlands Code of Conduct for Research Integrity requires that steps in the research process and sources as well as research data be verifiable.
3. When research is conducted with persons or if personal data are otherwise processed in research, this should be done in accordance with the requirements of the Netherlands Code of Conduct for Research Integrity[3] and the General Data Protection Regulation (GDPR)[4].
4. Funding programmes from institutions such as the Dutch Research Council (NWO) and the European Commission require research projects to have a Research Data Management Plan (RDMP) in place.
5. The Strategy Evaluation Protocol (SEP) 2021-2027)[5] requires reporting on the integrity of research in a broad sense, including integrity of research data and making data available for reuse in the context of Open Science.
6. In a broad sense, the Faculty Research Office is responsible for supporting researchers working with non-publicly available data and for training and providing information on Research Data Management. For research master students and PhD students, this responsibility lies with the Groningen Graduate School of Law (GGSL).
7. The UG Digital Competence Centre (DCC)[6] can also be consulted for support with training and information, larger projects or complex issues.
8. When academic research involves persons or otherwise processes personal data, the research should be reviewed by the Ethical Review Committee for Law (CETOR). This also includes a review assessment of data management, including the technical and organizational measures applied to protect personal data.
9. Applied research should also take place in accordance with the Netherlands Code of Conduct for Research Integrity and the General Data Protection Regulation (GDPR). Applied research is not reviewed by CETOR. It should however, be reported to the to the Faculty P&S coordinator, for registration and review
10. Research by students should also take place in accordance with the Netherlands Code of Conduct for Research Integrity and the General Data Protection Regulation (GDPR). Careful handling of personal data is a requirement and also a learning objective. For the purpose of student research, CETOR has drawn up guidelines for students and their supervisors.[7] In this regard, the supervisor is primarily responsible for data management.
    If personal data are being processed in this research, it should be reported by the supervisor to the Faculty P&S coordinator in order to be registered and reviewed by the latter.

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[2] https://www.rug.nl/digital-competence-centre/ug-research-data-policy-2021.pdf
[3] https://www.nwo.nl/sites/nwo/files/documents/Netherlands%2BCode%2Bof%2BConduct%2Bfor%2BResearch%2BIntegrity_2018_UK.pdf
[4] https://www.autoriteitpersoonsgegevens.nl/nl/onderwerpen/avg-europese-privacywetgeving (in Dutch)
[5] https://www.universiteitenvannederland.nl/files/documenten/Domeinen/Onderzoek/SEP_2021-2027.pdf
[6] Groningen Digital Competence Centre (DCC): https://www.rug.nl/digital-competence-centre/
[7] https://www.rug.nl/rechten/onderzoek/wetenschappelijke-integriteit/cetor/guidelines-scientific-integrity-and-data-protection-student-research-projects-january-12-2023.pdf

Protocol

A. All researchers create a brief Research Data Management Plan (RDMP) at the beginning of their research, using an online questionnaire developed specifically for the Faculty. For the time being, the RDMP web tool[8] is used for this purpose.
    If desired, e.g. in the case of NWO funding, the researcher may deviate from the use of the RDMP web tool, after consultation with the Faculty Privacy & Security (P&S) coordinator. When the research involves persons or otherwise processes personal data, the Research and Data Management Plan should be reviewed by the Law Ethics Review Committee (CETOR).

B. The Faculty P&S coordinator provides applicants and researchers with support in preparing the Research Data Management Plan and advises CETOR in assessing the RDMP when the research involves people or otherwise processes personal data.

C. For the duration of the project, the raw and edited data belonging to research at the Faculty of Law are digitally stored on a Y-disk especially set up for the researcher(s) involved: a so-called Publication Package (Pp). For PhD students and their supervisors a Pp is set up and managed by the Graduate School of Law. For other researchers, a Pp is set up by the Faculty P&S coordinator for research and managed by the Research Office.
    If desired, researchers may, in consultation with the Faculty Privacy and Security coordinator, deviate from storage on the Y-disk for good reasons.
    If the research involves persons or otherwise processes personal data, the alternative storage should also be reviewed by the CETOR.

D. The Publication Package mentioned under D. can only be accessed by the researchers involved and - in the case of PhD students - their supervisors.

E. Upon completion of the research, raw and processed data are permanently digitally archived in the Publication Package.
    In addition, data suitable for reuse by other researchers are published in DataverseNL or another data repository, through the intervention of the DCC, and in consultation with the researchers regarding the accessibility of the data and any embargoes.

F. The standard retention period for research data in the Publication Package is ten years.[9] The period may be deviated from if, in accordance with the GDPR, personal data are meant to be destroyed earlier or if the data remain academically relevant for a longer period than 10 years.
    In all cases, the Faculty Board decides, after consultation with the researcher(s) concerned and advice from the CETOR.[10]

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[8] See: https://www.rug.nl/digital-competence-centre/it-solutions/rdmp-webtool?lang=en
[9] In accordance with the UG data management policy and the Association of Universities in the Netherlands (VSNU) code of conduct
[10] Please note: this decision must not contravene the GDPR

G. When researchers wish to share their data with other persons or institutions, other than co-researchers, the data management plan should indicate what data are involved, in what way it is shared and whether it involves a transfer to third countries (or international organizations) as referred to in chapter V of the GDPR. [11]

Researchers should only use services managed by the UG or those with whom the UG has signed a processing agreement. Unishare[12] and Surffilesender[13] are preferred for the time being.

H. When there is a need not only to share data but also to jointly edit data with third parties, an agreement should always be drawn up[14] in consultation with the P&S coordinator. In the process, an appropriate platform and relevant technical and organizational measures are also identified.

I. Applied research involving the processing of personal data should be reported to the Faculty P&S coordinator. The latter registers the research and marginally assesses whether there are ethical risks and whether the processing is done in accordance with the requirements of the GDPR. Sections D, H, I and K. of this protocol on the storage, sharing and joint processing of data also serve as a guideline for this research.

J. Research by students in which personal data are processed takes place under the responsibility of the supervisor, who must give explicit permission. The supervisor reports the research to the Faculty P&S coordinator. The latter will assess whether the processing is done in accordance with the requirements of the GDPR.

Please note: The researcher is primarily responsible for storing and sharing research data in accordance with this protocol or in a manner assessed as proper by the CETOR, or the P&S coordinator for research, or the Faculty P&S coordinator. This also applies to changed circumstances during the course of the research.

The Research Data Protocol of the Faculty of Law was adopted by the Faculty Board on 27 January 2016 and was updated on 9 October 2019 and 6 June 2023.

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[11] If in doubt, always consult the Faculty P&S coordinator.

[12] See: https://www.rug.nl/society-business/centre-for-information-technology/research/services/data/opslagfaciliteiten/unishare?lang=en

[13] See: https://www.rug.nl/society-business/centre-for-information-technology/research/services/data/opslagfaciliteiten/surffilesender?lang=en

[14] https://www.rug.nl/rechten/onderzoek/wetenschappelijke-integriteit/workflow-verwerkersovereenkomst-bij-onderzoek?lang=en