

Withdrawal Requests and Data Protection

Data (personal or sensitive personal)

Concerning withdrawal and anonymisation, if the Data was collected using consent then the processing of the Data up to the point of withdrawal is permitted. Thereafter the researcher must stop processing the Data (delete the data), otherwise it would be unlawful.

Anonymisation and withdrawal

Neither the Data Protection Act 1998 ("DPA") nor the impending General Data Protection Regulation 2016 ("GDPR") applies to truly anonymised data (i.e. does not contain personal/sensitive personal data or present a re-identification risk). Therefore, I advise the following where data has been anonymised and a withdrawal request is made:

- Practically and to be fair and transparent the researcher could explain in the participant information sheet/consent form that personal/sensitive personal data will eventually be anonymised along with the technique used. The researcher should also explain to the data subject the timeframe for anonymisation, and that during the window where the data subject is still identifiable they can withdraw their consent, but once anonymised it will no longer be possible to identify them to give effect to their withdrawal request.

Pseudonymisation and withdrawal

The project purpose will determine whether the Data needs to be in identifiable form or not. If anonymised data is not useful for the project but at the same time a researcher does not need completely identifiable data they could consider pseudonymisation e.g. some sort of code could be applied to the Data so that the data subject can be identified, but the code is kept separate and secure from the Data. The effect of this technique on withdrawal is that if the data subject makes a withdrawal request you could use the code to identify what Data belongs to the data subject to effect the withdrawal request. DPA/GDPR applies to pseudonymised data.

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