PERSONAL DATA

Personal data, art. 3a FADP:
“all information relating to an identified or identifiable person” (ex: name, date of birth, address, pictures, videos, IP address, GPS coordinates, biometric/genomic data, etc.)

SENSITIVE DATA

Sensitive data, art. 9.1 GDPR:
“data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation”

THE SWISS FEDERAL ACT ON DATA PROTECTION (FADP)

The FADP applies to every research project conducted in Switzerland. Additional laws are enacted for the research involving human beings (Human Research Act).

The following rules and items are required for every research project (non-exhaustive):

- **Hash** the identifiers if the project purposes can be reached without them
- **Data collected on internet** are still submitted to restrictions (art. 22), even if the subjects published them
- Data collection and processing must follow the following principle: good faith, lawfulness, proportionality, exactitude, security
- **Pseudomisation**: restricted access right to the pseudomisation key must be implemented. Besides, the risk of reidentification must be assessed
- Anonymized data received from a third party still require the subject to be informed of this new use
- Research conducted on human being must comply with the Human Research Act
- Legal consent for person under 18 years is required to collect their data

THE EU GENERAL DATA PROTECTION REGULATION (GDPR)

“This Regulation applies to the processing of personal data of data subjects who are in the [European] Union” (art. 3).

Several derogations are available in the case of scientific and historical research (art. 89).

Example of a GDPR summary:

The additional following items are mandatory to comply with the GDPR (non-exhaustive):

- A description of how the following principles will be implemented (art. 5): Lawfulness, Data Minimization, Accuracy, Storage Limitation, Integrity, Transparency, Privacy-by-design, Confidentiality and Accountability
- If the data processing and storage are outsourced, documentation about the GDPR compliance of the external services is required
- Inform the subjects about their rights to modify their data, restrict the use of their data and withdraw their participation (chapter 3)
- Privacy by design [data protection as a priority, data minimization, pseudomization, etc.]
- A Data Protection Impact Assessment (DPIA) if the project may result in a high risk. High risk project may involve data processed on a large scale, innovative use of the data, sensitive data, vulnerable subjects, data transfers outside of the EU, etc.

Credits and sources


Contact and info

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