

The processing of personal data for degree projects and other components of education subject to examination – guidance for students, with comments for supervisors and examiners

Introduction

The Data Protection Regulation places stringent requirements for how personal data are to be processed in various operations. Linköpings universitet (LiU) is controller of personal data for all processing of personal data that takes place within the university. This is the case also for processing that is a consequence of degree projects and other components of education subject to examination, in cases in which the student chooses to work with personal data. It is therefore important that supervisors and examiners can support students such that they can process personal data in a legal and correct manner.

In brief, the following conditions apply:

- The data subjects are to be informed and, where relevant, consent is to be obtained.
- The processing is to be registered with the supervisor or examiner.
- The data are to be collected, preserved and stored correctly, and subsequently deleted or archived, depending on the circumstances of the particular case.

LiU has drawn up brief guidelines consisting of eight steps, intended for students who are planning to use personal data in a degree project or in components of their education subject to examination. The document you are reading is intended as a support for those who supervise components of student's work subject to examination. It is intended to give the fundamental knowledge required to ensure that personal data are processed in a correct and legal manner. Text that is part of the student information is shown below in italics text in boxes, followed by explanations and comments intended for the student's supervisor. The student information is available on the webpage relating to [Data Protection](#). In the first instance, students ought to contact the supervisor or examiner with any questions they have. In the event of uncertainty, the supervisor ought to contact the data protection officer at: dataskyddsbud@liu.se.

Definitions

Personal data – information in any form that can be related directly or indirectly to a living individual.

Processing of personal data – operations on personal data that involve collection, recording, storage, adaptation or alteration, dissemination, erasure, etc.

Controller of personal data – the person who alone or together with others determines the objectives and the means for the processing of personal data. It is the organisation LiU that is controller of personal data.

Data protection officer – the function within LiU that ensures that the processing of personal data is carried out in the correct manner. The officer provides support and revises operational methods.

Data subject – The individual whose personal data are processed.

Step 1 – Is it necessary to process personal data?

Step 1 – Is it necessary to process personal data?

The first question to ask yourself is whether it is necessary to process personal data at all. It may be possible that the planned investigation can be carried out without collecting personal data, and if so, this is preferable. If personal data are not processed, the requirements of the Data Protection Regulation do not apply, which makes the work easier.

Remember that the term “personal data” covers all information that can be directly or indirectly related to a living person, which means that it is not just such items as name, personal identity number, DNA or portrait photograph. Personal data may also be a combination of several pieces of apparently anonymous information that together make it possible to identify an individual.

What is included in the concept of “personal data”?

The definition of “personal data” in the Data Protection Regulation is any information relating to an identified or identifiable natural person, whereby an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier (such as an IP address) or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

In summary, this means that personal data are any type of information that **directly** or **indirectly** can be related to a living person.

Thus personal data are not solely pieces of information that can be directly related to a person, such as, for example, personal identity number, name, telephone number, DNA or portrait photograph. Personal data may consist also of combinations of information that together enable the information to be associated with an individual. This means, for example, that the combination age and sex, together with the group affiliation of a person is not personal data if the only thing we know is that we are dealing with a Swedish citizen, but the combination may be personal data if we know that the selection is limited to a smaller group of people.

What constitutes “processing of personal data”?

The definition given by the Data Protection Regulation for “processing” is: “...an operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction”.

Obviously, this is a long list, and can be summarised in principle by saying that anything you can do with personal data, including just storing them, is processing of personal data. Anyone who in any way handles personal data also carries out processing of personal data, in the legal meaning of the term.

Is it necessary to process personal data?

When planning an undertaking, you should consider whether it is necessary to process personal data at all. In cases where it is possible to obtain the necessary information without working with personal data (through using, for example, anonymous information), this is to be preferred. If no personal data are processed, the Data Protection Regulation is not applicable. (Other legislation, however, may be applicable, depending on the circumstances.) **Personal data should not be used if it can be avoided.**

For the purposes of the Data Protection Regulation, the form in which the data are processed does not matter. This is usually referred to by saying that the ordinance is “technology-neutral”, and that the regulations apply independently of the medium. All digital processing is subject to the regulations, which includes film, sound recording, etc., as long as the information contains personal data. Further, manual processing of personal data, in the form of, for example, information on paper, is subject to the ordinance if personal data are included in, or will be included in, a

filing system. The term “filing system” denotes that the papers are stored in a manner that makes the personal data arrangeable and searchable.

Step 2 – Define the purpose of the processing and the personal data that must be collected

Step 2 – Define the purpose of the processing and the personal data that must be collected

Before starting the practical work, it is important to define the purpose of the processing of personal data. The purpose must be defined to ensure that a legal basis for the processing of personal data has been established (see Step 5), and to ensure that more data than necessary to achieve the objective are not collected.

The purpose of processing the data is to make it possible to carry out the investigation or study that is necessary to substantiate your degree project or component of education subject to examination.

You may collect only the personal data that are necessary for you to carry out the work, and you must therefore be able to state why you require the particular data you intend to collect.

Planning

In order to be able to satisfy the requirements of the Data Protection Regulation, two facts must be established early in the process: that a legal basis for the processing of personal data has been defined, and that only the minimum amount of relevant personal data required to complete the degree project or component of education subject to examination is collected. In most cases, the legal basis for student work is that the data subject has given consent (see also Step 5). As soon as you have made clear why the processing of personal data is necessary, the legal basis can be determined and it will be easier to determine what data must be collected to achieve the purpose. **Data that are not necessary to achieve the purpose must not be collected.**

Step 3 – Decide how information is to be securely stored and managed

Step 3 – Decide how information is to be securely stored and managed

The personal data collected must be processed in a secure manner. Sensitive personal data must not be used on your own, private IT equipment. Such data may be processed only on specified IT resources, such as the equipment in student computer rooms, on the LiU “fillager” system, and on computers and tablet computers owned by LiU and maintained by the IT Division. The term “sensitive personal data” is used to denote personal data that reveals racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic or biometric data, and data about a person’s health, sex life or sexual orientation.

It is important to keep track of print-outs and other material, and to lock or log out from computers when taking a break, etc., when personal data are being processed. LiU provides a number of other services that may be useful in your work, such as Onedrive and Sunet Survey. These may be used for the processing of personal data that is not sensitive personal data. Other external storage services must not be used for personal data at all, unless they have been approved for such use by LiU. This applies to, for example, Dropbox, Google docs, iCloud, and several others.

Security measures

The most fundamental security measure is to never collect more data than required. Information that does not exist can never be subject to unauthorised access or abuse. Thus, the information collected must always be the minimum necessary. If it is possible to carry out the work with completely anonymous data, this is to be preferred. If it is necessary that be able to couple information to a person, it may be appropriate and necessary to create a coupling that requires access to a code key that connects the identity of a person to the information. In this case, the code key must be stored separately. Data that are protected in this manner are described as “pseudonymised” data. Pseudonymised personal data, thus, are not the same as “anonymous” data. They are still personal data in the legal meaning of the term, but security is significantly higher since only the person who needs to make the connection between data and identity has access to the code key.

Personal data must be stored in a manner that guarantees appropriate protection. The sensitivity of the data and the detriment that their revelation may cause to the data subject must be balanced against the cost and technical possibilities of protection. Personal data must not be handled using storage services or cloud-based

services not provided through LiU, since LiU has not ensured that these satisfy the security requirements that are a consequence of the Data Protection Regulation. The services provided through LiU are listed at Inside LiU under the heading [IT at LiU](#).

Processing sensitive personal data

The term “sensitive personal data” is used to denote personal data that reveals racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic or biometric data, and data about a person’s health, sex life or sexual orientation. Such data may not be processed at all in the absence of a specific legal exemption that allows processing. In the case of degree projects and components of education subject to examination, consent given by the data subject constitutes such an exemption, and thus the data may be processed if the data subject has given consent. The consent must be a clear and unambiguous consent to the processing, where the data subject has received comprehensive information about the work, and has expressly given unambiguous consent to the processing. Such consent should be given in writing, where possible. There may be, however, alternatives, such as or audio recording or giving a digital signature. The consent is to be saved such that it can be produced when requested, and this means that expressions of consent (in all forms) must be kept in an organised manner. Consent can be withdrawn at any time, and continued processing that depends on consent as its legal basis is then no longer permitted.

The processing of sensitive personal data places high demands for administrative and technical protective measures and all such data may be processed solely on specified IT resources that are owned and managed by LiU. **Sensitive personal data must not, for example, be stored on students’ private computers, telephones or tablet computers.** If it is not possible for practical reasons to use the student computer rooms, it may be possible to offer the student a computer on loan from LiU. It may be permitted that students handle pseudonymised data on private equipment. Such handling is only permitted under the following conditions: that the data cannot be related to an individual either directly or indirectly without the use of the code key, that the code key is stored separately and securely, and that the supervisor has assessed that handling the data on the student’s equipment does not entail any risk for the integrity of the data subject.

Step 4 – Decide which parts of the information are to be deleted and which preserved when the work is completed

Step 4 – Decide which parts of the information are to be deleted and which preserved when the work is completed

Personal data must not be preserved for longer than necessary, and must be deleted when no longer required. At the same time, there may be parts of the information that must be preserved in order to be able to support the conclusions of the degree project or component of education subject to examination. Further, some parts may be required for future processing. Before starting practical work, therefore, it is important to decide in consultation with your supervisor what is to happen to the personal data collected when the work is completed.

Which data are to be preserved and which deleted? It may be necessary at the work progresses to reassess the original plan, but is important that a basic plan is available – not least to be able to answer questions from the data subjects (the persons from whom personal data has been collected).

Selective disposal/archiving

Personal data are normally solely used as grounds for a degree project or component of education subject to examination. They are only seldom used in a completed thesis or equivalent. It is, therefore, important to be able to determine which parts of the preliminary work are to be preserved and which are to be deleted. It is a basic principle for personal data that has been collected that these must not be processed for longer than necessary. At the same time, it is important to be able to support the conclusions drawn in the completed work, and it may therefore be necessary in exceptional cases to preserve information in the form of personal data after the degree project or component of education subject to examination has been completed and graded. The identification of what must be preserved and what should be deleted must be carried out in correlation with each project or component. Data that must be preserved are to be archived by the university, and other data must be deleted unless otherwise specified when collected and consent for this has been obtained. In the event of uncertainty, the registrar or records coordinator should be contacted.

Step 5 – Obtain consent, inform the data subject, and collect the necessary personal data

Step 5 – Obtain consent, inform the data subject, and collect the necessary personal data

Personal data may only be processed if a legal basis has been established. The Data Protection Regulation specifies several legal bases, but for a degree project or component of education subject to examination consent will in most cases be the only relevant legal basis. (If it is not possible to use consent, you should discuss this with your supervisor to determine whether another solution can be found.)

Using consent as the legal basis means that the data subject actively consents to the processing. In practice, this means that you must, in a clear and unambiguous manner, describe the data you intend to collect (as defined in Step 2), and what they are to be used for and who is to use them. You must also state that the legal basis is that the data subject has given consent, and specify how long the data are to be used. Further, you must inform the data subject that it is possible to request to see the information that has been collected, and that it is possible to consult the LiU data protection officer or the Swedish Data Protection Authority in the event of the data subject having a complaint. This information must be made clear when the consent is obtained, in order for it to be valid. It is permitted to process personal data when the data subject has given consent. Templates for obtaining consent are provided by your supervisor.

It is important to be aware that the consent is to be recorded and saved such that it can be produced when required, and that the data subject has the right to withdraw consent at any time. Such consent should, therefore, be usually given in writing. If you consider that it is not possible to obtain consent in writing, you should discuss this with your supervisor to determine whether an alternative solution can be found.

Consent – the legal basis for processing personal data

The Data Protection Regulation states that personal data may only be processed if there is a legal basis for the processing. The legal basis that will usually be relevant to degree projects and components of education subject to examination is consent. Consent means that the data subject has approved the handling of the data for a specific purpose. (This requires that the data subject has come of age. If the data subject is a minor, the consent of the parent or guardian is required. At a certain age, consent may be required from both the data subject and the parent or guardian.) In order for consent to be collected in a correct manner, the person who is to give consent must be given clear information about the data that are to be used

and for which purpose. Such consent must be freely given, and must be given in such a manner that it is documented and can be produced when required. The consent should be given in writing, but giving a digital signature, crossing a checkbox on a webform, and providing an audio recording are also acceptable. Templates for consent are available on the webpage relating to [Data Protection](#). Note that consent can be withdrawn at any time, and that the data collected then normally no longer may be processed. There may be exceptions – for example if the material has been published, archived or been subject to processing on a different legal basis. In the event of any uncertainty, the data protection officer at LiU should be contacted.

Information for the data subject

When personal data are collected, the data subject is to receive information about the data that are collected. This is easy in cases in which the data are collected directly from the data subject, but the requirement also normally applies in cases when the data are collected from another source (see the section below that discusses exceptions from the need to inform data subjects). When consent is the legal basis for the processing of personal data, the information is given when the consent is obtained (this is known as “informed consent”). Information is to be provided about:

- the purpose of the processing
- that the legal basis for the processing is that the data subject has given consent (This is true in normal cases. Contact the data protection officer if consent cannot be used as legal basis.)
- that consent can be withdrawn at any time, and how the data subject should act when wishing to withdraw consent
- how long the data are to be used
- the identity or identities of those who will use the data
- a statement that LiU is the controller of personal data
- a statement that the data subject has the right to gain access to the data and to have errors corrected
- that a data protection officer is available, who can be reached at dataskyddsbud@liu.se, and
- that it is possible to contact the Swedish Data Protection Authority in the event of a data subject having a complaint, in cases where LiU and the data subject cannot reach an agreement.

The purpose is, to put it simply, the objective of the work, and this is to be described in a simple and easy-to-understand manner (see Step 2 above). A long explanation is not necessary: it is sufficient to give a brief description of the purpose for which the data collected are to be used. The data subject has the right to know what the

data are to be used for, and the person who collects and processes the personal data has an obligation to describe in a clear and unambiguous manner the purpose of the work. The question of legal basis applies for any one of the bases specified in Article 6 of the Data Protection Regulation. In the case of degree projects and components of education subject to examination, normally no other basis than consent will be applicable. The student defined the purpose of the processing in Step 2. A long text is not necessary, but information for the various points should be clear and unambiguous.

Exceptions from the duty to provide information

If personal data that have previously been collected are to be used, there are two situations in which it is not necessary to inform the data subject. One such situation is one in which the data subject has already been informed, i.e. if the data have previously been collected for such scientific use as is compatible with the processing that is to be carried out through the degree project or component of education subject to examination. Personal data that have been collected for scientific processing at the university may, thus, be reused without the data subject being informed at each such new use, as long as the data subject has received information about this at the original data collection occasion.

Another such situation is one in which it is impossible, or would entail a disproportionate amount of work, to inform a data subject. This may be the case, for example, in a situation in which the personal data that are required for the work are already available, but contact information for the data subject is not available. It would in this case be possible to apply the exception from the duty to inform, and process the data without informing the data subject. In order to determine whether the amount of work would be considered to be disproportionate or not, a balance must be made between how difficult it is to inform the data subject and the magnitude of the risk he or she will be exposed to by the processing. In the event of any uncertainty, the data protection officer should be contacted:
dataskyddsbud@liu.se.

Note that all other regulations for the processing of personal data remain in force, even if an exception from the duty to inform the data subject applies.

Rights of the data subject

The person whose personal data are to be processed has a number of rights that must be respected. These are the right to obtain information concerning what the data are to be used for (the purpose of the processing), which data have been collected, how long the data will be saved (or what determines how long the data will be saved), and the right to obtain access to the information that has been

recorded about him or her. Further, the data subject also has the right to object to the processing, to have erroneous data corrected, to withdraw consent that has been given (without being required to specify a reason), and the right to complain to the Swedish Data Protection Authority if he or she considers that the processing is wrong.

The right to have data erased and the right to limit processing are not absolute rights, and there may be reasons that such a request is not complied with. In the case of a degree project or component of education subject to examination, it is possible, for example, that the work has been published and the data archived. Another reason for not deleting data is that erasure would affect the results of the student's degree project or component of education subject to examination in such a manner that it becomes impossible to achieve the purpose of the processing.

It can in general be said that the processing of personal data should be open and transparent for the data subject, and, if possible, the wishes of the data subject should be complied with. In the event of any uncertainty, contact dataskyddsbud@liu.se.

Step 6 – Register the processing

Step 6 – Register the processing

LiU has the final responsibility for all processing of personal data that takes place as part of its operations, and is to maintain a list of such processing. The responsibility applies also for students' degree projects and components of education subject to examination.

Your supervisor maintains a list of the processing of personal data that takes place for degree projects and components of education subject to examination, and it is therefore important that you ensure that he or she is informed of the processing of personal data that you carry out.

Registration of processing

LiU is controller of personal data for the processing of personal data that takes place at the university. This applies also for degree projects and components of education subject to examination. The university is obliged to maintain a list of the processing of personal data that takes place. As a part of maintaining this list, supervisors for degree projects and components of education subject to examination are to maintain a list of the student projects in which processing of personal data takes

place. This measure is in order to create an overview of the processing of personal data that takes place as part of the operations, and to be able to identify, if necessary, the persons responsible.

The list is not to contain any data from the processing itself: it is to contain only information that processing of personal data is taking place, what its purpose is, and who is carrying it out. It must be possible to produce the list when requested, and the list is to be kept up-to-date and current. Processing of personal data that has been concluded is to be removed from the list.

An example of how a simple list can be designed is given on the webpage relating to [Data Protection](#).

The following information is to be obtained from the students:

- the purpose of the processing (a brief description of the purpose)
- categories of data subjects
- a description of the kinds of data collected
- the legal basis for the processing (such as consent)
- how long the data are to be processed (if it is possible to specify this)
- a description of where the data are stored and how they are protected
- information about whether the data are shared with external parties and, if so, the identity of such (in cases in which, for example, an external collaborator is involved, and cases in which an external IT-system, cloud-based service, etc. is to be used), and
- information on whether the data are transferred to a country outside of the EU/EEA.

Step 7 – Process the material collected

Step 7 – Process the material collected

Provided that the previous steps have been carried out, this step does not require any further measures. At the same time, this step is, in practice, where the main work is carried out.

Practical work

This step constitutes the practical work and does not require any further explanation with respect to the Data Protection Regulation. If Steps 1-6 have been followed, it is now time to devote one's energy to the real work.

Step 8 – After the processing, delete or archive personal data as required

Step 8 – After the processing, delete or archive personal data as required

The practical work has been concluded and the material that has been processed is to be either transferred to preservation and archiving or deleted, as determined by the decision taken at Step 4.

Personal data after the completion of the component of education subject to examination

This step is also part of the practical work and concerns following the plan for deletion and archiving that was drawn up at Step 4. It is also important to ensure that the list of the processing of personal data is updated with information that the processing has ended.