

ICO consultation on research provisions guidance

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The data protection legislation (namely, the UK GDPR and Data Protection Act 2018) contain various provisions that deal with the processing of personal data for research purposes. In short, these provisions allow personal data to be processed for the following three purposes:

- archiving in the public interest;
- scientific or historical research; and
- statistical purposes.

Scientific or historical research includes research carried out in traditional academic settings, as well as technological development and demonstration.

The Information Commissioner has just finished consulting on draft guidance that will help explain where in the legislation the various provisions that relate to research can be found, how they fit together and their practical effect. It will also provide guidance on the definition of key terms, which will help organisations better understand when they can rely on the research provisions when using personal data. A copy of the consultation document can be found [here](#).

One of the key features of the guidance is the provision of criteria which are intended to show the types of activity that are indicative of each type of research purpose. These criteria will help universities identify which of their processing activities are captured by the research provisions. The guidance also deals with important issues surrounding data storage, minimisation, consent, the use of special category and criminal offence data, and the application of the statutory exemptions

This guidance should be a welcome tool for universities engaged in research to better understand their legal obligations in this complicated area of the law.

Should you have any queries about the consultation or require advice about the application of the data protection legislation to a particular research project, then please don't hesitate to contact us and we would be happy to assist.

Contact

Matthew Alderton

Partner

matthew.alderton@brownejacobson.com

+44 (0)330 045 2747

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