Processing personal data without the consent of the data subject for the development and use of language resources

Aleksei Kelli, Krister Lindén, Kadri Vider, Pawel Kamocki, Ramūnas Birštonas, Silvia Calamai, Chiara Kolletzek, Penny Labropoulou, Maria Gavriilidou
Rights covering language resources (LRs):

- **Language resources as a database**
  - Copyright
  - Related rights
  - Privacy rights
  - Personal data protection

- **Material used to develop language resources**
  - Copyright
  - Related rights
  - Privacy rights
  - Personal data protection
LRs and personal data:

Personal data

Any information
- Objective information
- Subjective information (assessments, etc.)
- Format (photographic, acoustic, etc.)
- Medium (paper, computer memory, videotape)

Relating to
- Content element
- Purpose element
- Result element

An identified or identifiable

Natural person
- Dead persons
- Unborn children
- Legal persons

Opinion 4/2007 on the concept of personal data. Adopted on 20th June
LRs and personal data:

Identifiable natural person (Material scope of the GDPR)

Absolute approach (all possibilities to identify the data subject)

Relative approach (realistic efforts to identify the data subject)

G. Spindler, P. Schmechel (2016). Personal Data and Encryption in the European General Data Protection Regulation. - JIPITEC 7 (2)
LRs and personal data:

Personal data

Types of personal data

General personal data (e.g., name, drawing, photo, etc.)

Special categories of personal data

Genetic data

Data concerning health

Biometric data

Publicly available personal data (C-73/07)

Pseudonymous & anonymous data
LRs and personal data:

Special categories of personal data

- Data concerning health
- Biometric data for the purpose of uniquely identifying a natural person
Processing personal data:

- Principles relating to processing of personal data (GDPR Art. 5)
  - Lawfulness, fairness and transparency
  - Data minimisation
  - Purpose limitation (not applicable to research)
  - Accuracy
- Storage limitation (not applicable to research)
- Accountability
- Integrity and confidentiality
Processing personal data:

Legal grounds for lawful processing of personal data (GDPR Art. 6):

- Performance of a contract
- Consent
- Compliance with a legal obligation
- Performance of a task in the public interest or in the exercise of official authority
- Legitimate interests
- Protection of protect the vital interests of the data subject or of another natural person
Processing personal data:

- Processing and freedom of expression and information (Art. 85)
  - Legitimate interest
  - Consent
  - Public interest

- Processing for research purposes (GDPR Art. 89)
  - Legal basis

- Scientific research interpreted in a broad manner (Rec. 159)
  - Technological development and demonstration
  - Fundamental & applied research
  - Privately funded research

- Appropriate safeguards
  - Technical and organisational measures
  - Pseudonymisation

- Derogations from the rights
  - Right of access (Art 15)
  - Right to rectification (Art. 16)
  - Right to restriction of processing (Art. 18)
  - Right to object (Art. 21)
Nemo plus iuris transfere (ad alium) potest quam ipse habet

Ulpianus
Tänan

aleksei.kelli@ut.ee