

## The SoilCare project and the General Data Protection Regulation

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### Introduction

This document describes the actions / provisions the SoilCare project has taken or needs to take to protect privacy in connection to the General Data Protection Regulation (GDPR) the EU commission has implemented on May 25th 2018 (ref: [EU GDPR 2018](#)).

In this context, a number of definitions are important. The following definitions used in this document are summarized in Annex 1: *personal data, processing, filing system, controller, processor, third party, consent, consent form, project partner*.

In general the GDPR regulates the collection, storage, distribution and accessibility of personal data (various ways of data handling is called 'processing'). This document describes the consequences of the GDPR implementation and actions within the SoilCare project to comply with the GDPR regarding personal data collected for and saved by people at service of the project.

Two specific fields can be distinguished for which the SoilCare project collects and processes personal data;

1. Personal data of project partners,
2. Personal data of third parties (stakeholders directly involved and people interviewed, both possibly involved through project partners – but not being project partners themselves).

### 1. Personal data of project partners

The SoilCare project has collected or collects personal data of its project partners for:

- the correct coordination of the SoilCare project (internal use, e.g. sending of e-mails to project partners),
- the external communication to the general public (e.g. presentation of partners).

For use within the project (first bullet) no personal consent of every separate project partner is needed, since the personal information in question is processed for the execution of the SoilCare project. Consent for internal personal data use is implied in the contract. Examples of this data use are: use of lists with personnel involved in the project, use of mailing lists to send around project information by the coordination team, where all e-mail addresses are also visible to other project members. Also, a 'project member list' is available to all project members of the consortium in the password protected area of the website. This list is only accessible to other project members and will not be shared with other parties without explicit consent. This project member list contains name, e-mail address, telephone number, employer (institute) and, if people have added this, also publication data. Every separate person also has the ability to add additional information, e.g. a list of publications, etc. about that person only. Every project partner can control this information her/himself.

This processing of personal data is necessary for the performance of the SoilCare project as was agreed upon between the partners. Every project partner has the right of access, rectification, erasure, restriction and objection to her/his own data, pursuant to the GDPR.

The second bullet refers to information that is made available to the general public about the project members. The project website contains a 'partner information' page per partner. Each 'partner information' page contains a list of personnel involved and includes name, e-mail address, (sometimes) telephone number, profession/specialization and a photo. If project partners object to this data being visible to the public, it can be removed.

## 2. Personal data of third parties within the project

- ❶ This section applies to personal data collected, processed and stored of *third parties* cooperating *with* the project (stakeholders directly involved and e.g. people interviewed, both possibly involved through project partners). An important characteristic of a 'third party' is that these persons are not project partners. See also the definition of *third party* in Annex 1.
- ❷ If, in this section, is spoken about 'the project', it means people working in/for the project, i.e. people employed by or connected to one of the official project partner institutes.
- ❸ If, in this section, is spoken about personal data being 'processed', it means that this data is subject to any of these operations: 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. See also the definition of *processing* in Annex 1.

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The SoilCare project is a multi-disciplinary project that involves stakeholders in its research (e.g. in study sites) and other *third party* persons. Therefore we can distinguish different situations where *personal data of third parties* are *processed* (this is a list of examples which is not complete):

- People are interviewed by a certain WP and their names and other data of participants of (stakeholder) meetings are noted on a list of attendees,
- A specific group of people are sent a brochure or invitation (e.g. using a mailing list),
- A group of people is requested to fill out a questionnaire and these results are stored,
- A farmer who is cooperating in the field trials is displayed on pictures that are published on the project website,
- A politician is interviewed on camera and the film is published on the SoilCare website.

Official guidelines<sup>1</sup> of the EU state the following about this:

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<sup>1</sup> [information copied from: Horizon 2020 Guidance —How to complete your ethics self-assessment: V6.0 – 23.07.2018 – online:  
[http://ec.europa.eu/research/participants/data/ref/h2020/grants\\_manual/hi/ethics/h2020\\_hi\\_ethics-self-assess\\_en.pdf](http://ec.europa.eu/research/participants/data/ref/h2020/grants_manual/hi/ethics/h2020_hi_ethics-self-assess_en.pdf)]

Under these GDPR rules, personal data must be processed in accordance with certain principles and conditions that aim to limit the negative impact on the persons concerned and ensure fairness, transparency and accountability of the data processing, data quality and confidentiality.

This implies the following main obligations:

- Data processing should be subject to appropriate safeguards (see table in Annex II).
- Data should wherever possible be processed in anonymised or pseudonymised form.
- Data processing is subject to free and fully informed consent of the persons concerned (unless already covered by another legal basis, e.g. legitimate or public interest).
- Data processing must NOT be performed in secret and research participants must be made aware that they take part in a research project and be informed of their rights and the potential risks that the data processing may bring.
- Data may be processed ONLY if it is really adequate, relevant and limited to what is necessary for your research ('data minimisation principle').
- Collecting personal data (e.g. on religion, sexual orientation, race, ethnicity, etc.) that is not essential to your research may expose you to allegations of 'hidden objectives' or 'mission creep' (i.e. collecting information with permission for one purpose and using it/making it available — online or otherwise — for another reason, without additional permission).
- Data processing operations which are more intrusive and likely to raise higher ethics risks must be subject to higher safeguards.
- For complex, sensitive or large-scale data processing or data transfers outside of the EU, you should consult your data protection officer (DPO), if you have one, or a suitably qualified expert.
- The level of data security must be appropriate to the risks for the research participants occurring in case of unauthorized access or disclosure, accidental deletion or destruction of the data.
- You are responsible for any partners, contractors or service providers that process research data at your request or on your behalf.

Generally, one of the best ways to avoid/limit data protection issues for your project is to use anonymised or pseudonymised data. Pseudonymisation and anonymisation are not the same thing.

- 'Anonymised' means that the data has been rendered anonymous in such a way that the data subject can no longer be identified (and therefore is no longer personal data and thus outside the scope of data protection law). An example is replacing all person names by the term 'Anonymous'.
- 'Pseudonymization' is a data management and de-identification procedure by which personally identifiable information fields within a data record are replaced by one or more artificial identifiers, or pseudonyms. A single pseudonym for each replaced field or collection of replaced fields makes the data record less identifiable while remaining

suitable for data analysis and data processing.

An example for pseudonymization is replacing personal names with e.g. 'Respondent 1', 'Respondent 2', etc. In this way statistical analysis is still possible without revealing personal data.

Pseudonymization can be one way to comply with the European Union's new General Data Protection Regulation demands for secure data storage of personal information.[1] Pseudonymized data can be restored to its original state with the addition of information which then allows individuals to be re-identified, while anonymized data can never be restored to its original state.

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For any of the actions mentioned in the list of examples at the bottom of page 2, privacy regulations are to be respected, *personal data* of *third parties* needs to be *processed* according to the GDPR. This means that:

Rule	Specific action for SoilCare
<b>1</b> For <i>processing</i> of someone's <i>personal data</i> , consent has to be given by that person that his or her data can be used ( <i>processed</i> ) within the project	Ask the person who's data is to be processed by SoilCare to fill out the SoilCare consent form and store this form
<b>2</b> While <i>processing</i> someone's <i>personal data</i> , this data may not be made available to someone outside of the project without this person's explicit consent	Inform all SoilCare partners of this rule and ask the person in question to fill out a consent form wherein explicit consent is provided to make the personal data available
<b>3</b> If processed data is to be presented to the outside world without consent of the person(s) in question (e.g. in reports, scientific papers, presentations, online, etc.) data must be made anonymous, so no personal data is available anymore, and persons cannot be identified or traced in any way	SoilCare partners have to make personal data of third parties anonymous before publishing or disclosing data outside of the SoilCare consortium
<b>4</b> Online storage of personal data is only allowed if this data is not accessible for people or systems not belonging to the project. Partners of the project can be given access to this data by using a password giving them access to the restricted section of the website or ownCloud data server	Inform all SoilCare partners that online storage is only allowed if access to personal data is secured with a password and provided on a need-to-know basis
<b>5</b> Partners of the project are not allowed to give people outside the project access to the restricted section of the website, to the ownCloud server or any other restricted system that is intended to be used by project partners only	Inform all SoilCare partners it is forbidden to share login details or access to the restricted section outside of the SoilCare consortium unless consent is given by the person(s) in question
<b>6</b> Partners of the project are not allowed to give people outside the project data (files) containing personal information for any reason	Inform all SoilCare partners it is forbidden to share personal data outside of the SoilCare consortium unless consent is given by the person(s) in question
<b>7</b> If a third party wants to know which personal information of him or her is processed by the project, this person has the right to be informed by the project	Inform the third party which information about him/her is stored and how this information is used.
<b>8</b> If a third party wants his or her information removed from the project, the project has to make sure this is done and confirm to the third party that this has been done	Remove all personal information from a third party in accordance with article 17 GDPR and acknowledge him/her of the fact that it has been removed if applicable.



<b>9</b> This document will be made available on the project website <a href="http://www.soilcare-project.eu">www.soilcare-project.eu</a>	Publish this file on the SoilCare website
<b>10</b> Third parties of which personal data is processed by the project have to be informed about their rights concerning their personal data. This document has to be made available to these people, it can be sent to them by e-mail or they have to be made known, where they can retrieve this document on the project website (e.g. by mentioning the source of this document on the consent form they fill out).	<ul style="list-style-type: none"><li>• Make a note about the SoilCare GDPR policy on the consent form.</li><li>• Publish the SoilCare GDPR policy on the SoilCare website</li><li>• Tell any third party involved in the SoilCare project about the existence of a SoilCare GDPR policy and where to find it</li></ul>

## **Annex 1 – Definitions used in this document**

Source (definitions partially taken from): *Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC ([General Data Protection Regulation](#))*.

### **Person or Natural person**

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 or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person (*art. 2(a) EU General Data Protection Regulation (GDPR)*).

Examples of *identifiers*: name, address, identification number, pseudonym, occupation, e-mail, CV, location data, Internet Protocol (IP) address, cookie ID, phone number, data provided by smart meters, data held by a hospital or doctor.

Individuals are not considered 'identifiable' if identifying them requires excessive effort.

Completely anonymised data does not fall under the data privacy rules (as from the moment it has been completely anonymised).

**Personal data** means any information relating to an identified or identifiable natural person ('data subject'). Personal data may come from any type of research activity (stakeholder workshops, questionnaires, interviews, taking photographs on a stakeholder workshop, etc., but also other types of research activities such as GPS coordinates of an experimental field (owned by a person), lifestyle and health information, family histories, gender and ethnic background).

**Processing** means any 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. Processing normally covers any action that uses data for research purposes (even if interviewees, human volunteers, patients, etc. are not actively included in the research).

**Filing system** means any structured set of personal data which are accessible according to specific criteria, whether centralised, decentralised or dispersed on a functional or geographical basis;

**Controller** means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by Union

or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law;

**Processor** means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller;

**Recipient** means a natural or legal person, public authority, agency or another body, to which the personal data are disclosed, whether a third party or not. However, public authorities which may receive personal data in the framework of a particular inquiry in accordance with Union or Member State law shall not be regarded as recipients; the processing of those data by those public authorities shall be in compliance with the applicable data protection rules according to the purposes of the processing;

**Third party** means a natural or legal person, public authority, agency or body other than the data subject, controller, processor and persons who, under the direct authority of the controller or processor, are authorised to process personal data.

In case of the SoilCare project, third parties are usually stakeholders (farmers, landowners, politicians, policy makers) and other persons involved in the project other than project partners. Mostly, these persons are involved in research and take part by giving interviews, filling out questionnaires or taking part in workshops organised by SoilCare partners;

**Consent** of the data subject means any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her;

**Consent form** is a document on which a person gives her/his permission or consent to use personal data in the way described on the document in question;

**Project partner** is any natural person who is employed or in any other legal way (trainee, student, volunteer) connected to one of the institutions or organisations which are part of the SoilCare project consortium according to the signed consortium agreement of the EU contract 677407. The actual list of project partner institutes can be found on the SoilCare [website](#).

**Anonymise** means that the data has been rendered anonymous in such a way that the data subject can no longer be identified (and therefore is no longer personal data and thus outside the scope of data protection law). An example is replacing all person names by the term 'Anonymous'.

**Pseudonymization** is a data management and de-identification procedure by which personally identifiable information fields within a data record are replaced by one or more artificial identifiers, or pseudonyms. A single pseudonym for each replaced field or collection



of replaced fields makes the data record less identifiable while remaining suitable for data analysis and data processing. An example for pseudonymization is replacing personal names with e.g. 'Respondent 1', 'Respondent 2', etc. In this way statistical analysis is still possible without revealing personal data. Pseudonymization can be one way to comply with the European Union's new General Data Protection Regulation demands for secure data storage of personal information. Pseudonymized data can be restored to its original state with the addition of information which then allows individuals to be re-identified, while anonymized data can never be restored to its original state.

## Annex 1 – GDPR checklist

(Table 4 from: H2020 Programme: Guidance. How to complete your ethics self-assessment. Version 6.1, 4 februari 2019. [http://ec.europa.eu/research/participants/data/ref/h2020/grants\\_manual/hi/ethics/h2020\\_hi\\_ethics-self-assess\\_en.pdf](http://ec.europa.eu/research/participants/data/ref/h2020/grants_manual/hi/ethics/h2020_hi_ethics-self-assess_en.pdf) )

Section 4: PROTECTION OF PERSONAL DATA		YES/NO	Page	Information to be provided	Documents to be provided/kept on file
Does your research involve processing of personal data?		<input type="checkbox"/>	<input type="checkbox"/>	<p>1) Details of the technical and organisational measures to safeguard the rights of the research participants.</p> <p>For instance:</p> <p>For organisations that must appoint a DPO under the GDPR: Involvement of the data protection officer (DPO) and disclosure of the contact details to the research participants.</p> <p>For all other organisations: Details of the data protection policy for the project (i.e. project-specific, not general).</p> <p>2) Details of the informed consent procedures.</p> <p>3) Details of the security measures to prevent unauthorised access to personal data.</p> <p>4) How is all of the processed data relevant and limited to the purposes of the project ('data minimisation' principle)? Explain.</p> <p>5) Details of the anonymisation /pseudonymisation techniques.</p> <p>6) Justification of why research data will not be anonymised/ pseudonymised (if relevant).</p> <p>7) Details of the data transfers (type of data transferred and country to which it is transferred – for both EU and non-EU countries).</p>	1) Informed Consent Forms + Information Sheets used (if relevant).
If YES:	- Does it involve the processing of special categories of personal data (e.g. genetic, health, sexual lifestyle,	<input type="checkbox"/>	<input type="checkbox"/>	<p>1) Justification for the processing of special categories of personal data.</p> <p>2) Why can the research objectives not be reached by processing anonymised/ pseudonymised data (if applicable)?</p>	



<p><i>ethnicity, political opinion, religious or philosophical conviction.)?</i></p>				
<p>- Does it involve processing of genetic, biometric or health data?</p>	<input type="checkbox"/>	<input type="checkbox"/>		<p>1) Declaration confirming compliance with the laws of the country where the data was collected.</p>
<p>- Does it involve profiling, systematic monitoring of individuals or processing of large scale of special categories of data, intrusive methods of data processing (such as, tracking, surveillance, audio and video recording, geo-location tracking etc.) or any other data processing operation that may result in high risk to the rights and freedoms of the research participants?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<p>1) Details of the methods used for tracking, surveillance or observation of participants. 2) Details of the methods used for profiling. 3) Risk assessment for the data processing activities. 4) How will harm be prevented and the rights of the research participants safeguarded? Explain. 5) Details on the procedures for informing the research participants about profiling, and its possible consequences and the protection measures.</p>	<p>1) Opinion of the data controller on the need for a data protection impact assessment (art.35 GDPR) (if relevant).</p>
<p>Does your research involve further processing of previously collected personal data (including use of pre-existing data sets or sources, merging existing data sets)?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<p>1) Details of the database used or of the source of the data. 2) Details of the data processing operations. 3) How will the rights of the research participants be safeguarded? Explain. 4) How is all of the processed data relevant and limited to the purposes of the project ('data minimisation' principle)? Explain. 5) Justification of why the research data will not be</p>	<p>1) Declaration confirming lawful basis for the data processing. 2) Permission by the owner/manager of the data sets (e.g. social media databases) (if applicable). 3) Informed Consent Forms + Information Sheets + other consent documents (opt in processes, etc.). (if</p>

				anonymised/ pseudonymised (if relevant).	applicable).
<p><b>Does your research involve publicly available data?</b></p>	<input type="checkbox"/>	<input type="checkbox"/>		1) Confirm that the data used in the project is publicly available and can be freely used for the project.	1) Permission by the owner/manager of the data sets ( <i>e.g. social media databases</i> ) (if applicable).
<p><b>Is it planned to export personal data from the EU to non-EU countries?</b></p> <p><i>Specify the type of personal data and countries involved</i></p>	<input type="checkbox"/>	<input type="checkbox"/>		Details of the types of personal data to be exported. How will the rights of the research participants be safeguarded? Explain.	1) Declaration of confirming compliance with Chapter V of the GDPR.
<p><b>Is it planned to import personal data from non-EU countries into the EU?</b></p> <p><i>Specify the type of personal data and countries involved</i></p>	<input type="checkbox"/>	<input type="checkbox"/>		1) Details of the types of personal data to be imported.	1) Declaration confirming compliance with the laws of the country in which the data was collected.

**Annex 2 – SoilCare Consent forms (on the next pages)**

The consent forms consist of 2 copies: one for the SoilCare project and one for the participant in the SoilCare research. Both forms need to be filled out identically, and the participant will keep the participant copy.

## SoilCare project Consent Form

Thank you for participating in this study! With your permission, we would like to use the material we have collected for research purposes. This may include using your information for publications, or sharing the information with the other researchers in our project (their names can be found on our website). Different types of data and different materials can be used in different ways:

### Photographs / Video

Photographs taken or video recordings made may be published with access by the general public, among others through the SoilCare website, and in project publications.

### Interview / Survey

The results of the interview you have given or the survey you have filled out for SoilCare partners will be used for further research. Your name or identity will be made anonymous to the general public and will not be published, unless you give permission for this. Your name and identity can be provided to other SoilCare partners for research purposes.

By signing a copy of this form, you give us consent to use the data we have collected with your cooperation. The type of data for which you give permission can be indicated below. By keeping a copy of this form yourself, you have a signed declaration from us that we will only use your information in the way described above. You can find contact information for us below, in case you have any questions later.

*I hereby declare that I allow the SoilCare project to use the following personal data, solely for the purpose of the SoilCare project:*

- Photographs taken or Video recordings on (date) \_\_\_\_\_
- Interview with me or a survey I filled out (anonymized)
- Interview with me or a survey I filled out (my name will be published)
- Participation in a SoilCare workshop on (date) \_\_\_\_\_
- Other: \_\_\_\_\_ on (date) \_\_\_\_\_

*I also declare that I have read this form and am aware of my rights concerning the EU General Data Protection Regulation GDPR. (please fill out **all** fields below)*

Your name (please print): \_\_\_\_\_

Your signature here: \_\_\_\_\_ Date: \_\_\_\_\_

SoilCare representative (name): \_\_\_\_\_ Institute: \_\_\_\_\_

The data in question will be used for: \_\_\_\_\_

### The SoilCare Project Consortium

The SoilCare project is financed by the European Commission program H2020-SFS-2015-2, contract 677407

### Contact information

Project website: [www.soilcare-project.eu](http://www.soilcare-project.eu)

Project leader: Dr. Rudi Hessel ([rudi.hessel@wur.nl](mailto:rudi.hessel@wur.nl))

Communication: Dr. Jane Mills ([jmills@glos.ac.uk](mailto:jmills@glos.ac.uk))

### Disclaimer and General Data Protection Regulation (GDPR)

The full SoilCare project disclaimer and copyright notice can be found at: <https://www.soilcare-project.eu/copyright-and-disclaimer>.

GDPR information can be read at: [https://ec.europa.eu/info/law/law-topic/data-protection\\_en](https://ec.europa.eu/info/law/law-topic/data-protection_en)

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### Interview / Survey

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By signing a copy of this form, you give us consent to use the data we have collected with your cooperation. The type of data for which you give permission can be indicated below. By keeping a copy of this form yourself, you have a signed declaration from us that we will only use your information in the way described above. You can find contact information for us below, in case you have any questions later.

*I hereby declare that I allow the SoilCare project to use the following personal data, solely for the purpose of the SoilCare project:*

- Photographs taken or Video recordings on (date) \_\_\_\_\_
- Interview with me or a survey I filled out (anonymized)
- Interview with me or a survey I filled out (my name will be published)
- Participation in a SoilCare workshop on (date) \_\_\_\_\_
- Other: \_\_\_\_\_ on (date) \_\_\_\_\_

*I also declare that I have read this form and am aware of my rights concerning the EU General Data Protection Regulation GDPR. (please fill out **all** fields below)*

Your name (please print): \_\_\_\_\_

Your signature here: \_\_\_\_\_ Date: \_\_\_\_\_

SoilCare representative (name): \_\_\_\_\_ Institute: \_\_\_\_\_

The data in question will be used for: \_\_\_\_\_

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### Contact information

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Communication: Dr. Jane Mills ([jmills@glos.ac.uk](mailto:jmills@glos.ac.uk))

### Disclaimer and General Data Protection Regulation (GDPR)

The full SoilCare project disclaimer and copyright notice can be found at: <https://www.soilcare-project.eu/copyright-and-disclaimer>.

GDPR information can be read at: [https://ec.europa.eu/info/law/law-topic/data-protection\\_en](https://ec.europa.eu/info/law/law-topic/data-protection_en)