Route Map: in search of harmony
And opportunities to create it...

What is a University?
Network & Information Security
Research
Learning Analytics
Intelligent Campus
Well-being
What is a University?

UK, DK, maybe others: a “Public Authority”
» So using “Public Interest” as justification
Other MS: just another data controller
» So using “Legitimate Interest” as justification
Disharmony? Maybe not…
» GDPR text pretty much identical for “PubInt” & “LegInt”
» Just missing the balancing test against data subject rights and freedoms…
» Do that test anyway => Harmony in practice if not in terminology
NB: GDPR Rec.43 presumes consent to a Public Authority is not free…
Network & Information Security

Explicitly covered by Rec.49
» But some odd interpretations out there
» No, you don’t need hackers’ consent to log & investigate them...
Rec.49 says Legitimate Interest **even** for public authorities
» Write privacy-respecting incident detection/response processes
» Assess rights balance
» Implement appropriate collection, analysis, retention

Good compatibility with existing CSIRT practice, including info.sharing

Cormack AN (2016), 13(3) SCRIPTed 258-282 “Incident Response: Protecting Individual Rights...”
Research

Disharmony by design 😞

» GDPR only sets high-level framework
» Each Member State decides detailed rules and when they apply

Confusing terminology

» Research “consent” not the same as GDPR “consent”
» Research “personal data” may not be same as GDPR, either

But research ethics process should look a lot like a DPIA

» May well be doing right-ish things already
» Main challenge probably to find all research using personal data
Learning Analytics (visualisation 1)
Compatible purpose + Voluntary participation

Learning Analytics (visualisation 2)
A responsible way to use big data techniques

Collection
- Data debris
- Necessary for 1st purpose

Analysis
- Pattern-finding
- Stated 2nd purpose
- Legitimate interests
- Necessary processing
- Minimise impact
- Balance rights & interests
  - Individual can object

Improvement
- Pattern-using
- No personal data

Donation
- Voluntary self-reporting
- Free, informed consent
- No detriment

Intervention
- Pattern-matching
- Maximise impact
- Free, informed consent
  - Choice: personal/vanilla

## Intelligent Campus
### Senses and Risks (based on Art29 RFID DPIA)

<table>
<thead>
<tr>
<th>Vision</th>
<th>Hearing</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>0: Presence</td>
<td>Motion detection</td>
<td>Sound level</td>
</tr>
<tr>
<td>1: Counting</td>
<td></td>
<td>Queue measuring</td>
</tr>
<tr>
<td>2: Identifying</td>
<td>CCTV monitoring</td>
<td>Location-aware app</td>
</tr>
<tr>
<td>3: Recording</td>
<td>CCTV recording</td>
<td>Audio recording</td>
</tr>
<tr>
<td>4: Analysing</td>
<td>Face recognition</td>
<td>Trigger words</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Behaviour mapping</td>
</tr>
</tbody>
</table>

NB Presence sensor in personal office is level 3, not 0!
Intelligent Campus
Going beyond Data Protection

Challenges for traditional DP approach
» Can’t guarantee people see notices
» Collection often unavoidable => Consent invalid
» Retrospective rights (e.g. SAR & objection) may be limited in practice & benefit
  › Privacy-respecting implementations actually make these harder!

Can we offer prior control as well?
» Occupants of space should be able to decide/challenge how & why it is monitored
» Achieve consensus on purposes, implementation, review and benefits

Cormack AN (?2019) “Ethics and the Intelligent Campus” in review ...
Well-being
And other purposes of analytics

Very wide range
» From “take a break” apps to suicide risk flags

Messaging/communication may be the biggest challenge
» High risk of creating the stress (or worse) that you’re trying to avoid

High value + high risk
» Likely candidate for DPIAs and prior approval by ICO

Data Protection probably not the biggest issue
» If student/staff health service isn’t ready for this, don’t do it!
References

Blog
» https://community.jisc.ac.uk/blogs/regulatory-developments/tags/Data-Protection-Regulation

Papers
» Big data https://jirpp.ubiquitypress.com/articles/abstract/10.21039/irpandp.v1i1.9/
Thanks

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