

# Checklist of selected privacy and data protection provisions applicable during the research and development phase of the ROXANNE data analysis platform



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N°	LEGAL SOURCE	REQUIREMENT	COMPLIANCE STATUS
1	<ul style="list-style-type: none"> <li>• <b>GDPR<sup>1</sup> ARTICLE 6</b></li> <li>• <b>CoE CONVENTION 108+<sup>2</sup> ARTICLE 5</b></li> </ul>	<p>Ensure <u>lawful data processing</u> when developing and testing the ROXANNE platform by relying on a lawful legal basis (i.e. individuals' freely given, specific, informed and unambiguous consent; legitimate basis prescribed by law; performance of a task in the public interest; for a legitimate interest that does not override the right and freedoms of the individual).</p>	<p>Individuals' informed consent has been systematically sought for participation in project research activities related to feedback provision (i.e. end-user requirements survey, Field Test evaluations), as well as for collection and preparation of simulated data. When processing research datasets for platform development purposes, partners will invoke the legitimate interest basis.</p>
2	<ul style="list-style-type: none"> <li>• <b>GDPR ARTICLE 5</b></li> <li>• <b>CoE CONVENTION 108+ ARTICLES 4-13</b></li> <li>• <b>RPD<sup>3</sup> ARTICLES 10-18</b></li> </ul>	<p>Abide by the <u>data protection principles</u> when processing data:</p> <ul style="list-style-type: none"> <li>• lawfulness, legitimacy, fairness, and transparency;</li> <li>• purpose limitation;</li> <li>• data minimisation;</li> <li>• data quality and accuracy;</li> <li>• storage limitation;</li> <li>• data security, integrity and confidentiality;</li> <li>• transparency, accountability and duties of the parties;</li> <li>• rights of the data subjects.</li> </ul>	<p>The project technical team is mindful of these principles and incorporates them in its development activities with legal guidance and support from the project legal team through close dialogue and exchanges. As such, the technical partners safeguard the quality and accuracy of processed data, using only minimal necessary for the performance of a task and completing data protection impact assessment prior to any activity involving high-risk data processing. Further principles are covered in the checklist.</p>

<sup>1</sup> 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) <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN>

<sup>2</sup> Council of Europe Convention for the protection of individuals with regard to the processing of personal data <https://rm.coe.int/convention-108-convention-for-the-protection-of-individuals-with-regar/16808b36f1>

<sup>3</sup> INTERPOL Rules on the Processing of Data <https://www.interpol.int/Who-we-are/Legal-framework/Data-protection>



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3	<ul style="list-style-type: none"> <li>• <b>GDPR ARTICLES 13-21</b></li> <li>• <b>CoE CONVENTION 108+ ARTICLE 9</b></li> </ul>	<p>Be in a position to satisfy individuals' <u>rights as data-subjects</u>, such as:</p> <ul style="list-style-type: none"> <li>• to obtain information about, and access to, their personal data that is being processed in an accessible format, at reasonable intervals and without excessive delay or expense;</li> <li>• to rectify or erase inaccurate, false, or unlawfully processed data;</li> <li>• to restrict the processing of their personal data;</li> <li>• to provide a remedy in case any of the rights are not respected.</li> </ul>	<p>The project team has been providing individuals that consented to partake in research activities the contact details of data processors to enable them to exercise their rights as data subject rights, i.e. information sheets given to survey respondents or Field Test participants.</p> <p>For future processing of publicly available data that would entail disproportionate efforts to notify potential data subjects, the Privacy Policy, <a href="https://www.roxanne-euproject.org/privacy-policy">https://www.roxanne-euproject.org/privacy-policy</a>, posted on the ROXANNE website will cover this aspect of project data processing.</p>
4	<ul style="list-style-type: none"> <li>• <b>GDPR ARTICLES 9-10</b></li> <li>• <b>CoE CONVENTION 108+ ARTICLE 6</b></li> </ul>	<p>Satisfy the more stringent requirements applicable when processing <u>special categories of data</u> including racial or ethnic origin data, the processing of genetic data or biometric data for the purpose of uniquely identifying a natural person or personal data related to criminal convictions and offences that can only be processed where it is allowed under Union or national law.</p>	<p>The project counts on the processing of special categories of data, especially biometric data, as part of the development and testing of the ROXANNE platform that aims to unmask members of organized criminal groups. This processing is either based on individuals' consent or is performed on data taken from public sources, which is in line with the legitimate interest as a legal basis and scientific research as a condition for processing special category data. The consortium is exploring the possibility of processing personal data related to criminal convictions provided this would be in accordance with the concerned partner's domestic law.</p>



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5	<ul style="list-style-type: none"> <li>• <b>GDPR ARTICLES 9-10</b></li> <li>• <b>CoE CONVENTION 108+ ARTICLES 8, 11, 15</b></li> </ul>	<p>Engage in <u>transparent and accountable data processing</u>, which would enable the consortium to demonstrate compliant data processing and allow data subjects to fully exercise their rights.</p>	<p>The consortium has been informing research participants of the terms and conditions of their data processing through the provision of information sheets, covering both transparency and fairness aspects. The project Privacy Policy details the circumstances of data processing activities when the option of providing each individual with information is not feasible. The consortium operates on a traceable and secure access to project documentation and files stored on the SWITCH cloud with access restricted on a need-to-know basis.</p>
6	<ul style="list-style-type: none"> <li>• <b>GDPR ARTICLES 32-34</b></li> <li>• <b>CoE CONVENTION 108+ ARTICLE 6</b></li> </ul>	<p>Ensure appropriate <u>data security</u> measures are in place.</p>	<p>All of the project partners have specific technical and organizational security measures in place to ensure the integrity, security and confidentiality of project data are maintained. The consortium operates with the minimal data necessary, and whenever possible uses anonymised or pseudonymised data. A project Security Advisory Board, chaired by the project security officer, maintains project security reports and ensures compliance with security rules and respect of the confidentiality level of all deliverables.</p>
7	<ul style="list-style-type: none"> <li>• <b>GDPR ARTICLE 5</b></li> <li>• <b>CoE CONVENTION 108+ ARTICLE 5</b></li> </ul>	<p><u>Time-limited</u> storage of personal data followed by <u>data deletion</u> once purpose fulfilled.</p>	<p>The consortium applies specific data retention timeframes depending on the purpose sought, in any case not exceeding 5 years beyond the project termination. Only fully anonymised data may be stored beyond this period.</p>



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8	<ul style="list-style-type: none"> <li>• <b>GDPR ARTICLES 45-47, 49</b></li> <li>• <b>CoE CONVENTION 108 ARTICLE 14</b></li> <li>• <b>RPD ARTICLE 62-63</b></li> </ul>	<p>Ensure appropriate protection of individuals with regard to the <u>transborder processing of personal data</u></p>	<p>The consortium comprises of two partners outside the EU, Switzerland and Israel, both covered by EU adequacy decisions. INTERPOL, as an International Organization has its own data protection framework (INTERPOL Rules on the Processing of Data) offering robust standards for data protection. In addition, respondents to its international survey consented to the data transfers.</p>
9	<ul style="list-style-type: none"> <li>• <b>COPYRIGHT IN THE DIGITAL SINGLE MARKET<sup>4</sup> ARTICLE 3</b></li> </ul>	<p>Comply with the digital single market <u>copyright and related rights provision</u></p>	<p>The consortium intends to collect open source data, in accordance with the terms and conditions of the selected website. Project partners who are research organizations may take advantage of the text and data mining exception as an important research tool to web-crawl lawfully accessed pages for scientific research purposes.</p>

<sup>4</sup> EU Directive on Copyright in the Digital Single Market 2019/790 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019L0790>





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