



Aleksei Kelli Professor of IP Law

aleksei.kelli@ut.ee



General framework:

- Research data: factual records used as primary sources for scientific research;
- Open data: data that can be accessed / used by anyone without technical or legal restrictions;
- Big data: data sets that are too large or complex to be dealt with by traditional dataprocessing application software.





Rights covering language data:



Langauge resources as a database

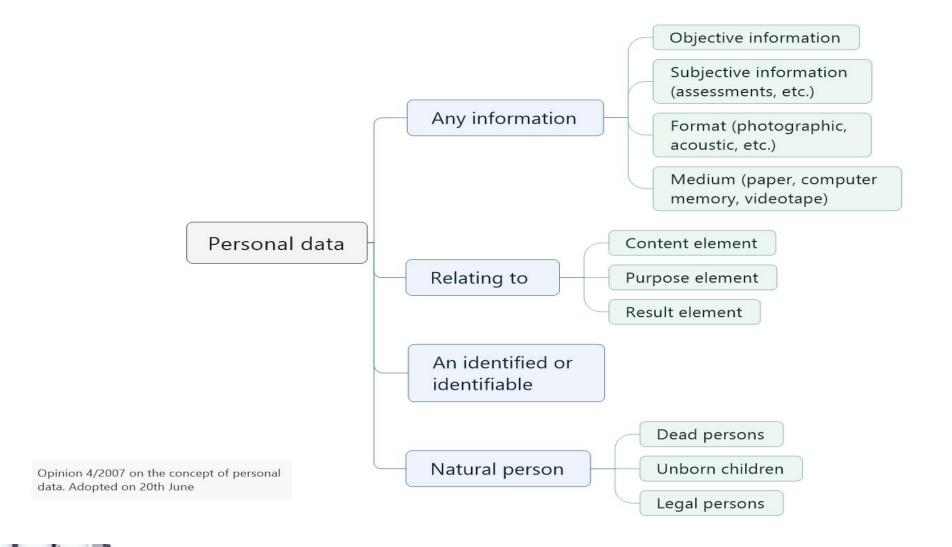
- Copyright
- Related rights
- Privacy rights
- Personal data protection
- Trade secrets

Material used to develop language resources

- Copyright
- Related rights
- Privacy rights
- Personal data protection
- Trade secrets



It all starts with personal data...









Identifiable natural person (Material scope of the GDPR)

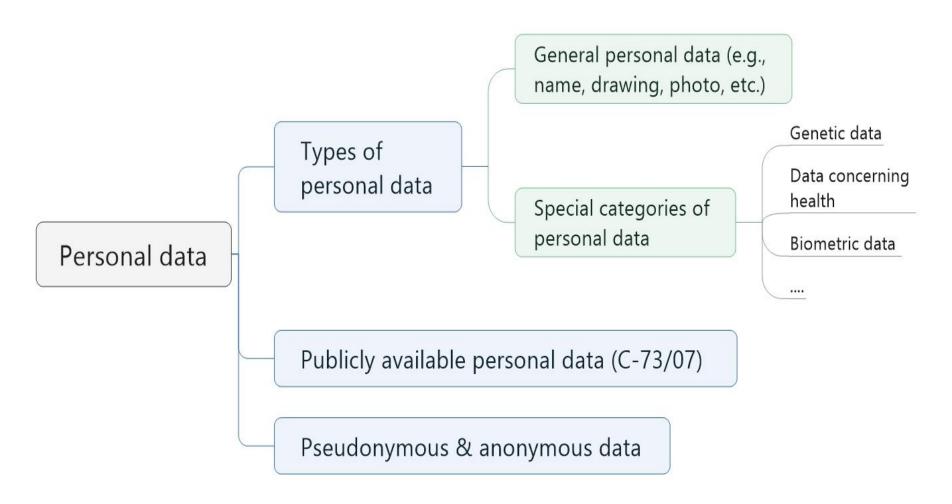
Absolute approach (all possibilities to identify the data subject)

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)



It all starts with personal data...







Processing:

Erasure or destruction

Restriction

Alignment or combination

Dissemination or otherwise making available

Disclosure by transmission

Consultation & use

Processing as any operation or set of operations which is performed on personal data (GDPR Art. 4) Collection

Recording

Organisation & structuring

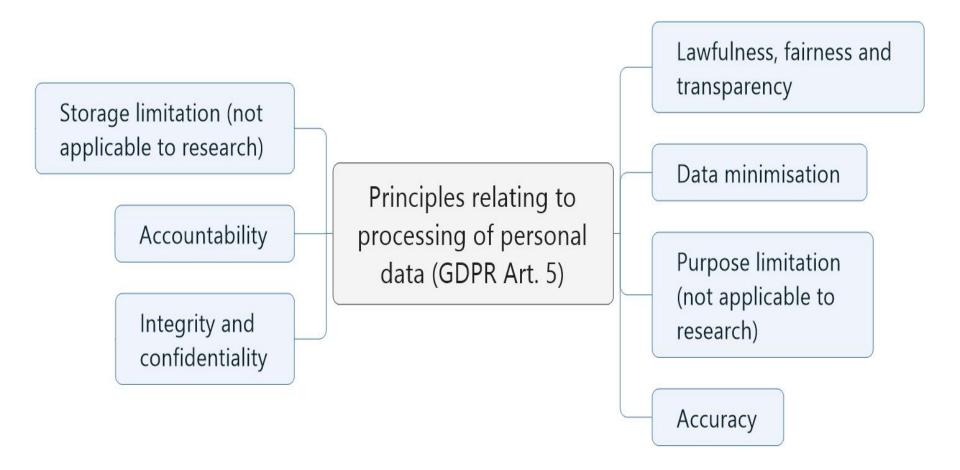
Storage

Adaptation & alteration

Retrieval



Principles of processing:







Legal grounds:

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

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

Performance of a contract

Consent

Compliance with a legal obligation





Legitimate interest:

Processing for research purposes (including marketing research)

Processing for historical, scientific or statistical purposes

Physical security, IT and network security

Whistle-blowing schemes

Employee monitoring for safety or management purposes

Prevention of fraud, misuse of services, or money laundering Exercise of the right to freedom of expression or information, including in the media and the arts

Conventional direct marketing and other forms of marketing or advertisement

Unsolicited non-commercial messages, including for political campaigns or charitable fundraising

Enforcement of legal claims including debt collection via out-of-court procedures

WP29. Opinion 06/2014 on the notion of legitimate interests of the data controller under Article 7 of Directive 95/46/EC

Contexts in which the

issue of legitimate

interest may arise



Consent:

Data subjects may give their consent to certain areas of scientific research (required compliance of ethical standards)

Complicated to fully identify the purpose of processing for scientific research purposes at the time of data collection

Consent and purpose limitation (GDPR)

Data collected for specified, explicit and legitimate purposes

Processing for research purposes is compatible with the initial purposes







Legal grounds:

Right to be informed about the legal basis for the processing

Not allowed to swap from one to another legal basis (e.g., from consent to legitimate interest) Legal basis for lawful processing

Established prior to the processing

Transparency and fairness

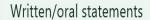
WP 29. Guidelines on consent under Regulation 2016/679; GDPR





Consent:





Audio/video messages

Presentation of information

Understandable for the average person

Distinguishable form other matters

The data subject should be aware at least of

The identity of the controller

The purposes of the processing

Transparency requirement

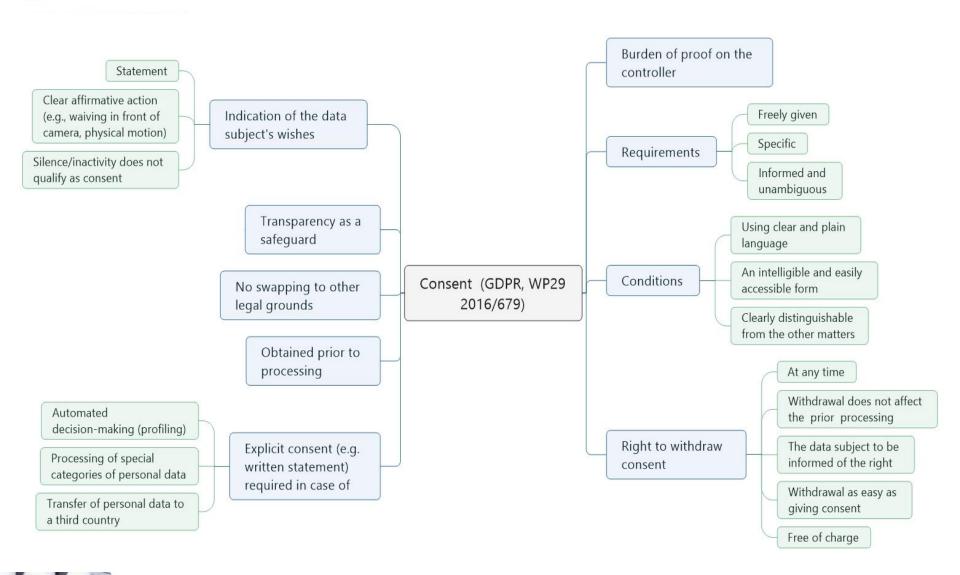
GDPR Recital 42, Art. 4; WP29 2016/697 (10 Apr. 2018)

Informed consent





Consent:





Rights:



Data are collected from the data subject (Art. 13)

Data are not obtained from the data subject (Art. 14)

Right to object (Art. 21)

Right to be informed

Right to data portability (Art. 20)

Notification obligation regarding rectification or erasure of personal data or restriction of processing (Art. 19)

Right of access (Art. 15)

Right to rectification (Art. 16)

Right to erasure ('right to be forgotten') (Art. 17)

Rights of the data subject

Right to restriction of processing (Art 18)





Rights:



The controller provides information relating to processing to the data subject in a concise, transparent, intelligible and easily accessible form, using clear and plain language (Art. 12 (1)).

Information shall be provided free of charge (Art. 12 (5)).

Procedural guarantees

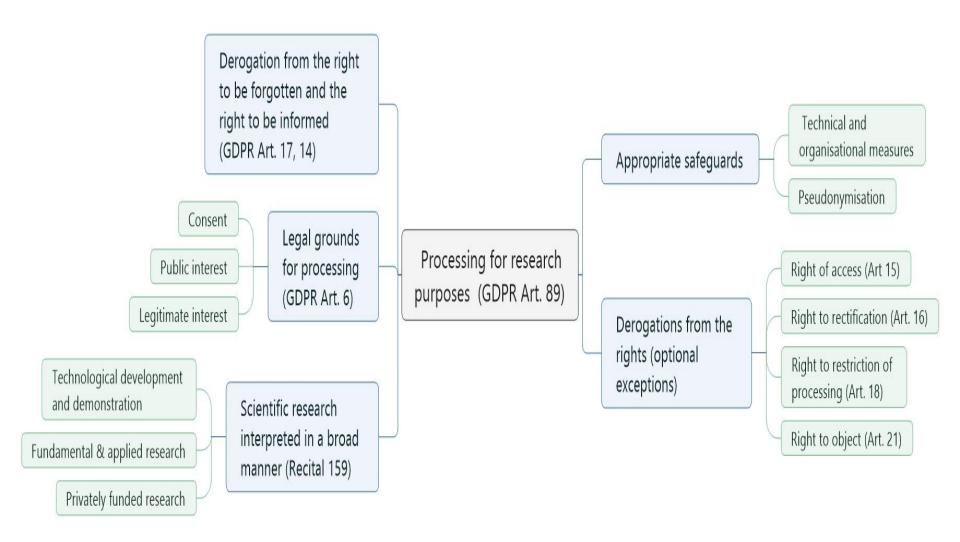
The controller shall not refuse to act on the request of the data subject for exercising his or her rights, unless the controller demonstrates that it is not in a position to identify the data subject (Art. 12 (2)).

The controller shall provide information on a request without undue delay and in any event within one month of receipt of the request (Art. 12 (3)).





Processing for research:







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aleksei.kelli@ut.ee