

ARTS AND HUMANITIES ETHICS COMMITTEE
Impact , Ethics, and Data Protection
May 2018

The University's Code of Practice and Principles for Good Ethical Governance

The University's Code of Practice applies to *all* academic activities: <https://www.york.ac.uk/staff/research/governance/research-policies/ethics-code/>. It therefore applies to activities associated with engagement and impact.

The key principle underwriting the University's Code of Practice is the avoidance of harm: this includes harm to the welfare and interests of participants, animals, cultural heritage, the natural environment, the wider community, as well as reputational damage to those people carrying out the activity, their Department, the University, and academia as a whole (§2.2).

The cornerstones for the management of ethical issues in the University are self-reflection, explicit discussion, institutional accountability, and proportionality (§3.1).

Impact, Engagement, and the University's Code of Practice

Individuals who are engaging in impact activities bear responsibility for considering whether their activity falls within the scope of the University's code of practice, and if necessary seeking formal ethics approval. If in doubt, you are advised to discuss the matter with your department's ethics officer or the Chair of AHEC.

There are no specific criteria for when formal ethics approval for engagement and impact activities is required. Individuals involved in engagement and impact activities should reflect on the nature of these activities, and whether there is the possibility of harm.

In deciding whether formal ethics approval is required for engagement and impact activities, it is important to bear in mind the principle of proportionality. Many engagement activities that might lead to impact (e.g. public lectures, schools visits, working with external partners) will probably not require formal ethics approval. But there may be activities of this kind for which formal ethical approval is recommended. These include, but are not limited to:

- Public engagement activities that deal with sensitive subjects
- Public engagement activities that deal with issues relating to terrorism and political extremism, and which might involve the dissemination of records, statements and other documents that can be interpreted as promoting or endorsing terrorist acts (illegal under the Terrorism Act 2006)
- Interventions which significantly affect the professional practice of non-academic partners, where these interventions carry the risk of harm or disadvantage: for example, interventions that affect the teaching that children receive or the nature of the care provided by healthcare

professionals, where there is the risk of harm or disadvantage as a result of this intervention

- Activities with external partners where there could be a perceived conflict of interest, or where there are ethical concerns about the external partner.

If you are planning to use the data from engagement and impact activities in future research, or there is a possibility that you will, then you are advised to seek formal ethics approval, since all research involving human participants requires ethical scrutiny and approval in advance.

Note that if you are working in schools, you need to make sure that you will always be accompanied by a DBS-checked adult, or that you have a DBS check in place if you are going to be working one-to-one or with small groups without the presence of a DBS-checked adult.

Impact and Integrity

The University's Code of Practice and Principles for Good Ethical Governance sits within the broader framework of their Code of Practice on Research Integrity:

<https://www.york.ac.uk/staff/research/governance/research-policies/research-code/>.

The key principles of the Code of Practice on Research Integrity apply to many engagement and impact-related activities, for example:

- *Honesty*: in presenting findings, acknowledging the work of others, and in conveying valid interpretations and making justifiable claims based on research findings
- *Rigour*: in drawing interpretations and conclusions from the research
- *Transparency and open communication*: in declaring conflicts of interest, and in presenting the work to the general public
- *Care and respect*: for participants in and subjects of research, and for the stewardship of research and scholarship for future generations

When engaging in engagement and impact activities, it is important to bear in mind issues relating to equality and diversity. The University of York is committed to the creation of a positive environment which is fair, welcoming and inclusive and where everyone is treated with dignity and respect.

Underpinning these principles are the notions of accountability and responsibility: the primary responsibility for ensuring that engagement and impact activities are undertaken with integrity lies with the individual.

You can find slides for workshop on 'Engagement and Impact with Integrity' by Jennifer Chubb here:

<https://www.york.ac.uk/media/staffhome/research/documents/researchgovernance/integrityethics/secure/E%20and%20I%20with%20integrity%20presentation.pdf>

Collecting Evidence of Impact and the General Data Protection Regulation (GDPR)

Formal ethics approval will not normally be required when collecting evidence of impact, for instance via questionnaires, interviews, or testimonials. Whether or not formal ethics approval is required, however, when collecting evidence of impact from human subjects it is essential that you comply with the legal requirements pertaining to the processing of personal data set out in the General Data Protection Regulation (GDPR), 2018.

The following provides some **provisional** guidance on impact-related data collection, and should be read in conjunction with the general guidance about the GDPR that the University is formulating; this advice is subject to change. For information about the GDPR, see: <https://www.york.ac.uk/records-management/dp>. If you are unsure about any aspects of the guidance, you are encouraged to discuss this with the HRC's Research Impact Manager.

1. Feedback forms and surveys

Where possible, you are advised to make feedback forms and surveys anonymous.

If you give respondents the option to provide their name or other personal data, you need to make clear on the form why you are collecting this and what it will be used for.

If feedback forms and surveys contain personal data, for instance because respondents were given the option to provide their name or contact details if they wished, it is crucially important that these forms or surveys are stored securely, whether they exist in hard copy or virtually. This means:

- hard copies must be kept in locked cupboards or drawers on university premises only.
- virtual copies must be kept in approved University file systems - either the Google drive or your Department's Windows file store - and shared only with those who need to know.
- you should not keep duplicates; so if, for example, you scan your hard copies because you prefer to keep them virtually, you should then destroy the original hard copies. Your department should have procedures in place for the secure destruction of paper with personal details on it.
- you should not take any of these materials off university premises, or store them on any external (non-University) Google drives, hard drives or devices. If in doubt, ask the HRC Impact Manager.

The same applies to lists of event attendees.

2. Testimonials

It will often be a matter of judgment about whether testimonials contain personal data or not. If a testimonial letter is clearly provided in someone's professional or business capacity and only as a representative of their organisation, it does not count as personal data, and so it does not fall within the

scope of the GDPR.

If a testimonial seems to be more about someone's personal opinion, or contains comments about how you or your research has touched them personally, then it could be seen as "personal data" and therefore covered by GDPR. An example might be a testimonial from an individual volunteer or from a self-employed performer. If in doubt, assume that it is personal data.

Under the GDPR, if we store and use information that can be classed as personal, then we must do so on the basis of a particular legal ground. One such ground is consent. If you are processing personal data on the basis of consent, then you need to provide the person providing the information with a 'privacy notice'.

Guidance on exactly what needs to be included in a privacy notice is still being developed, but you can find provisional information about privacy notices here: <https://www.york.ac.uk/records-management/dp/guidance/privacynotices/>

At a minimum, you need to ensure that you put in writing (e.g. email) to the individual a brief explanation of why we want the testimonial i.e. that it is for REF, that you will secure it securely, that you will not do anything else with it, and that they have a right to withdraw their consent at any point if they wish.

If you have already obtained testimonials, then you need to ensure that you advised the individual (at least briefly) of what you wanted this information for. If you are concerned that you didn't do this, please get in touch with the HRC's Research Impact Manager.

3. Social media data

If you are storing information (e.g. quotations) that originally appeared in the public domain (e.g. on a Twitter account), you need to ensure that you are doing this proportionately and for a good reason (i.e. this information is genuinely useful in evidencing a case study).

Data taken from Facebook pages, where access to posts and comments is often restricted, will often not be in the public domain; this also applies to other social media platforms where access to content is restricted. The University is considering this matter further, and will issue guidance in due course. If you need advice in the meantime, then contact the HRC's Impact Manager.

As above, please make sure that any data taken from social media is:

- Stored securely, e.g. in our agreed system of University Google drives, and not taken outside the University
- Stored proportionately i.e. you don't keep more information than you need.

Social media data that is entirely anonymised (e.g. numbers of retweets or likes) does not raise any particular issues from the perspective of the GDPR.

4. Using personal data in the narrative of case studies

Guidance on using personal data in case study narratives will be issued nearer

the time that case study narratives are being finalised for submission in 2020. It is likely that specific consent will need to be obtained for any quotation that is being used within the text of the case study itself, if it is quoted in such a way that an individual can be identified from it. However, it is too soon to request this consent yet; and if problems arise at the time in gaining consent, ways of anonymising the information within the narrative can be considered.

5. Data collected by other organisations

If you are working with an external partner or another University, and they have collected the data for you, then they must have appropriate permission to share it with you. If the data involved is entirely anonymous (e.g. feedback forms with no identifiers or anonymised aggregated data), permission is not required. If a third party has collected anything that could be called personal data, then they must have clearly told the data subjects that they are sharing it with the University of York for that to happen, and we should have written evidence of that. Note that if we have any kind of formal agreement with the partner such as a contract, or this is part of a joint funded project, then agreements relating to data sharing should always have been in place.

6. "Special category" data

'Sensitive personal data', relating to e.g. health, disability, race, sexuality etc., comes under a different clause of the GDPR. In collecting evidence of impact you are unlikely to have much, if any, sensitive personal data. If you do, then it is likely that it will be possible to store and use it for the purposes of evidencing a REF case study, but please contact the HRC's Research Impact Manager.