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Biobanking and
BioMolecular resources
Research Infrastructure

What the GDPR Means for Science Cooperation

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On the GDPR

- In effect as of May 2018
- Replaces the Data Protection Directive 95/46/EC
- Imposes new obligations on organizations that process the personal data of European Union residents
- Result of years of discussions
- Focus on EU Digital Single Market

Key Changes include:

- Transparency and accountability are now main principles of data protection
- Enhanced rights for data subjects, such as the right to be forgotten and the right to data portability
- Mandatory procedures for managing data breaches
- Special provisions for protecting data of minors
- Mandatory Data Protection Impact Assessments
- Mandatory appointment of a Data Protection Officer (subject to exceptions)
- Certification mechanisms specifically for data protection
- Remedies, sanctions and fines
- Pan-European validation of European Codes of Conduct for non-profit organisations
- Special provisions for scientific research

Privileged Position for Research?

GDPR carves out exemptions for scientific, historical and health research

Aim: reconcile values of privacy and innovation

Appropriate Safeguards?

Organizations that process personal data for research purposes may avoid restrictions on secondary processing and on processing sensitive categories of data (Article 6(4); Recital 50). As long as “appropriate safeguards” are implemented, these organizations also may override a data subject’s right to object to processing and to seek the erasure of personal data (Article 89).

Provided by?

The appropriate safeguards may be provided for by standard data protection clauses adopted by the Commission. They could also be provided for by an approved code of conduct or certification mechanism, together with binding and enforceable commitments of the controller or processor in the third country to apply the appropriate safeguards, including as regards data subjects' rights.

3rd Party?

Personal data may be transferred to a third country where the Commission has decided that the third country, or one or more specified sectors within that third country, ensures an adequate level of protection.

- Countries outside EU and international organisations

DIALOGUE

- towards best practices, common standards, governance frameworks, code of conduct

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