Processing personal data without the consent of the data subject for the development and use of language resources

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Rights covering language resources (LRs):

<table>
<thead>
<tr>
<th>Language resources as a database</th>
<th>Material used to develop language resources</th>
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<tbody>
<tr>
<td>• Copyright</td>
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<tr>
<td>• Related rights</td>
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<tr>
<td>• Privacy rights</td>
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<tr>
<td>• Personal data protection</td>
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</tbody>
</table>
LRs and personal data:

- Personal data
  - Any information
    - Objective information
    - Subjective information (assessments, etc.)
    - Format (photographic, acoustic, etc.)
    - Medium (paper, computer memory, videotape)
  - Relating to
    - Content element
    - Purpose element
    - Result element
  - An identified or identifiable
  - Natural person
    - Dead persons
    - Unborn children
    - Legal persons
LRs and 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)
LRs and personal data:

- **Types of personal data**
  - General personal data (e.g., name, drawing, photo, etc.)
  - Special categories of personal data
    - Genetic data
      - Data concerning health
      - Biometric data
      - ...
    - Publicly available personal data (C-73/07)
    - Pseudonymous & anonymous data
LRs and personal data:

- Special categories of personal data
  - Data concerning health
  - Biometric data for the purpose of uniquely identifying a natural person
Processing personal data:

- Storage limitation (not applicable to research)
- Accountability
- Integrity and confidentiality

Principles relating to processing of personal data (GDPR Art. 5):

- Lawfulness, fairness and transparency
- Data minimisation
- Purpose limitation (not applicable to research)
- Accuracy
Processing personal data:

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

- Performance of a contract
- Consent
- Compliance with a legal obligation
- 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
Processing personal data:

- Processing and freedom of expression and information (Art. 85)
- Legitimate interest
- Consent
- Public interest

Processing for research purposes (GDPR Art. 89)

- Legal basis
- Scientific research interpreted in a broad manner (Rec. 159)
  - Technological development and demonstration
  - Fundamental & applied research
  - Privately funded research
- Appropriate safeguards
  - Technical and organisational measures
  - Pseudonymisation
- Derogations from the rights
  - Right of access (Art 15)
  - Right to rectification (Art. 16)
  - Right to restriction of processing (Art. 18)
  - Right to object (Art. 21)
Nemo plus iuris transfere (ad alium) potest quam ipse habet

Ulpianus