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RULES AND PROCEDURES FOR PROCESSING PERSONAL DATA IN STUDENT ASSIGNMENTS

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1. Description

The purpose of this document is to explain the legal issues to consider when students process personal data as part of their studies, for example when working on a thesis or other student assignment. The purpose of the document is to provide support for the department holding the course and the student in processing personal data to comply with the General Data Protection Regulation (GDPR).

2. Background

Umeå University is the personal data controller for processing of personal data by students during their studies. When a student writes a thesis as part of their course, Umeå University is legally responsible for the personal data that may be processed. The student's processing of personal data must then comply with both GDPR (General Data Protection Regulation, 2016/679) and the University's regulations.

Everyone is entitled to a protected zone, a private life that is guaranteed by human rights conventions and is enshrined in the constitution. GDPR contains the practical rules that guarantee individuals effective protection of their privacy and the right to their own identity in today's digitally connected society.

GDPR strictly enforces transparent, secure and accurate processing of personal data. The requirements specified in the GDPR are mandatory. For example, an individual having their personal data processed may not agree to a lower level of security than that prescribed in GDPR. Umeå University, as the personal data controller responsible for processing within the framework of the University's activities, may only collect and process an individual's personal data when there is support for such processing in GDPR. In the context of the University's educational and research activities, the University's processing of personal data is lawful as it is a task carried out in the public interest (Article 6.1 e of GDPR). When personal data are processed for independent student work, Umeå University has determined that the only legal basis for processing this personal data is consent (Article 6.1 a of GDPR).

Policy documents at Umeå University are to integrate multiple perspectives. The student perspective has been integrated into this document. Due to the content and nature of this document, the work environment, collaboration, sustainability, accessibility and international perspectives have not been integrated into the document. The policy document is not regarded as having any consequences for gender equality at Umeå University.

3. Some important concepts

Student assignments – This rule and procedure is aimed at personal data processing that takes place when a student processes personal data in their studies. The term “student assignments” or “student work” in this rule and procedure refers



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to situations that include degree projects, reports, essays and other assignments in which personal data processing occurs.

Personal data – Personal data are any information that can be linked to a living person. Such data include names, email addresses, addresses and personal identity numbers, photos where a face is visible, or even sound recordings where no names are mentioned but the speaker can be identified. Personal data are processed as soon as it is possible to identify a person through direct or indirect data. Indirect personal data means data that can be indirectly attributed to a living natural person by reference to an identification number or to one or more factors specific to the person's physical, physiological, mental, economic, cultural or social identity.

Generally, data about deceased persons are not personal data. In some cases, however, they may constitute personal data for living persons, such as relatives. These could concern rare diagnoses or crimes committed by the deceased. In such cases, is there reason to believe that the data may be sensitive for living persons? If it is, GDPR is applicable and must be followed.

It can also be noted that data on deaths in health care is subject to the provisions of the Patient Data Act, and therefore to the rules of the GDPR.

Data subject – A living person who has their personal data processed by Umeå University. In the context of student work, this would be an individual who responds to a questionnaire, is interviewed or otherwise participates in a study. The entire legislation builds upon data subjects having rights that must be protected by Umeå University.

Processing of personal data – This basically includes all digital manipulation of personal data, from entering it on a computer, saving, scanning, photographing, editing, analysing, printing, emailing, and virus scanning to taking back ups and deleting. All of these are regarded as processing of personal data. The aim is to provide a comprehensive definition of everything that someone might be able to do with collected personal data. The rules regarding personal data are intended to provide effective protection. If they are sufficiently structured, manually written (handwritten) notes could also be regarded as data processing. This would depend on whether they are included, or intended to be included, in a manual register that is searchable so that specific information about an individual can easily be found for later use. Digital audio recordings are always included, but not if they are on an analogue tape recorder without being transferred to a digital medium.

Sensitive personal data – Personal data that reveal racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership and personal data relating to health or sexual activity and genetic or biometric data. Health data can include, for example, sick leave, pregnancy and doctors' appointments.

Personal data meriting special protection – Personal data of particular importance to protect. Even if data are not classified as sensitive data, it may still be a personal data important for privacy. These can include wage data, data about



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violations of the law, valuation data, such as data from development discussions, data from the results of personality tests or personality profiles, information relating to someone's private sphere or information on social conditions. Personal identity numbers are considered privacy sensitive personal data.

General personal data – Since any information that may be directly or indirectly linked to a living person is considered personal data, the term “general personal data” is often used to describe information that is neither sensitive nor important for privacy.

Quotes, references and citations – Normally, no personal data other than quotations, references and citations should be processed by a student or recorded in the student's work. Under Article 85 of GDPR and Chapter 1, Section 7 of the Swedish Data Protection Act, personal data rules do not apply when the processing of personal data takes the form of quotations, references and citations in the actual preparation and distribution of the final product that constitutes the student's work. When the student processes personal data that is in addition to quotations, references and citations within the framework of their academic work, the processing rules and procedures contained in this document must be complied with.

Personal data controller – This is the person who, according to GDPR, determines the purposes and means of processing personal data. Umeå University is the personal data controller for processing that takes place within the framework of student assignments at Umeå University.

4. Who is responsible for students' personal data processing?

Umeå University is the personal data controller when students process personal data within the framework of their studies. The University is formally responsible for ensuring that students' personal data processing is legal and that the rights of the individual are respected. When students process personal data, they are de facto representatives of the University. Students are responsible for processing personal data only in accordance with the instructions of the University and in cooperation with university staff.

If the student is on a work placement or workplace training (Sw. *VFU*), the accountable authority of the work placement or workplace training is normally the personal data controller and is responsible for the personal data processing that the student performs within the framework of the placement.



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5. Principles relating to processing of personal data

All processing of personal data must comply with the six basic principles set out in Article 5 of GDPR. Umeå University must therefore ensure that it is able to prove that the processing meets the following requirements when its students process personal data.

- The data must be processed lawfully, fairly and in a transparent manner in relation to the data subject ('lawfulness, fairness and transparency').
- The data must be collected for specified, explicit and legitimate purposes and must not be further processed in a manner that is incompatible with those purposes ('purpose limitation'). This means that personal data collected for student assignments may not be used in any other context without ensuring that any new processing meets these requirements.
- The data must be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation'). One example of such data minimisation is for personal data to be processed as far as possible in a pseudonymised form.
- The information must be accurate and, where necessary, kept up to date ('accuracy').
- The data must be processed in a manner that ensures appropriate security of the personal data ('integrity and confidentiality').

These are the basic principles for all processing of personal data, and all activities should be viewed in the light of the above. More information is available on the website of the Swedish Authority for Privacy Protection.

6. Students' processing of personal data in their assignments requires consent and information

Any processing of personal data must be based on what is known as a legal basis. There are six legal bases: consent, contract, legitimate interests, compliance with a legal obligation, exercise of official authority and tasks carried out in the public interest, and vital interest. It is sufficient to be able to rely one of these legal bases to process personal data.



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A task in the public interest is, for example, a task assigned to the University by the Swedish parliament or government. The Higher Education Act states that the University's mission includes education, research, and "collaboration for mutual exchanges with the surrounding community, as well as ensuring that the knowledge and expertise found at the higher education institution bring benefit to society." In efforts to achieve this mission, the University may process the personal data that is necessary for the task and is based on the legal basis of public interest. No consent need be obtained for the University's processing within the framework of this mission.

When personal data are processed for independent student work, Umeå University has determined that the only legal basis for processing this personal data is consent. This requires the individual consent of each person participating in the study and whose personal data are processed. Note that processing of personal data in the form of quotations, references and citations is exempt from this requirement for consent. See the second to last paragraph of Section 3 above.

Where it is not possible to obtain consent, it should be assumed that the personal data are not suitable for the student work. If it is still being considered, please contact the data protection officer well in advance for guidance.

Before consent can be given, the person whose data are to be processed must receive information about how the personal data will be processed. GDPR is based upon the premise that each person owns their personal data. Therefore, data subjects who are to participate in a study must be given the opportunity to decide for themselves whether their personal data can be processed. For this to be possible, each potential participant must first be informed of the nature of the personal data processing and then be given the opportunity to decide whether they consent to the processing. For given consent to be considered valid, it is a prerequisite that the participant has been able to make an informed choice about participation. Furthermore, participants have the right to withdraw their consent at any time. It is also important that the information indicates that withdrawal of consent does not affect the lawfulness of processing that has taken place prior to the withdrawal of consent, but that the student may not continue to process a data subject's personal data for which consent has been withdrawn. Please note that processing of personal data includes storage of personal data. Personal data collected based on consent that is subsequently withdrawn must therefore be deleted as soon as possible after the withdrawal.

More information about consent is available on the website of the Swedish Authority for Privacy Protection. Umeå University has drawn up a template for collection of consent and the information that must be provided before consent is collected. The template for consent and the information can be found on the University's staff website.



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7. Processing of sensitive personal data in student assignments that form part of a research project or independent student work

7.1 Student assignments that form part of a research project

When student work is conducted within the framework of a research project led by a principal investigator, the student's personal data processing is conducted under the conditions laid out in the project and under the responsibility of the principal investigator. The legal basis for student personal data processing is the same as for the research project, i.e., public interest.

The student's processing of personal data must then comply with the rules governing the research project and all the data processing performed by the student must be carried out within secure storage and the authorisation structure of the research project.

7.1.1 Sensitive personal data in the context of a research project

The general rule in GDPR states that processing of sensitive personal data are prohibited, but that it may be permitted in certain situations. If the processing of such personal data are permitted, it is subject to restrictions and requirements for higher levels of security.

An exception to the prohibition of the processing of sensitive personal data is provided by the act (2003:460) concerning the ethical review of research involving humans, the Ethical Review Act, which includes provisions for the ethical review of research dealing with sensitive personal data and personal data relating to violations of the law.

This type of personal data may be processed in research projects that have received ethical approval. However, the Ethical Review Act does not cover work conducted within the framework of first- or second-cycle education, so a student's work cannot receive this type of ethical approval.

However, a student's work may be part of an ethically approved research project led by a principal investigator. Student processing of personal data then takes place under the conditions laid out in the project and under the responsibility of the principal investigator. In these cases, student processing of sensitive personal data and personal data that merit special protection is based on the ethical approval given to the specific project. Students' processing of personal data must then comply with the rules governing the ethical approval and all the data processing



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performed by the student must be conducted within secure storage and the authorisation structure of the research project.

7.2 Student assignments not included in research projects, known as independent student work

In cases where a student's work is not part of a university research project, the legal basis of the student personal data processing must be based on consent. In that case, the procedure described in Section 8, Procedure for processing personal data in independent student work, must be followed.

7.2.1 Sensitive personal data in independent student work

As a general rule, all processing of sensitive personal data is prohibited under GDPR. Furthermore, independent student work cannot be ethically reviewed under the Swedish Ethical Review Act. Despite this, Umeå University determines that, in some cases, it could be valuable for first- and second-cycle students to be permitted to process sensitive and personal data that merit special protection. The legal scope for processing sensitive personal data in independent student work is very limited. The data subject must have explicitly agreed to the processing and its purpose.

It is necessary to ensure that a project outside an ethically approved research project is conducted in an ethically acceptable manner if processing of sensitive or personal data that merit special protection, such as information about violations of the law. The department holding the course is also responsible for ensuring that an appropriateness ethical assessment is conducted before the start of the study. The ethical assessment must be conducted in accordance with the rules established for each faculty.

8. Procedure for processing personal data in independent student work

Umeå University is the personal data controller for the processing of personal data by students during their studies. This procedure must be followed if students are to process personal data in independent projects, degree projects, thesis work or the like that *does not form* part of a research project conducted at the University under the supervision of a principal investigator.

The provisions of the GDPR are not applicable and the rules of this procedure need not be followed if the personal data that the student processes in their academic work only consists of names in quotations, references and citations.

The following seven steps, which are described in more detail in sections 8.1 to 8.7, must be met before personal data processing is allowed.



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If sensitive personal data or personal data that merit special protection are to be processed, the specific rules applicable to these types of personal data must be carefully observed.

The requirements are, briefly, to:

1. Assess whether processing of personal data is necessary.
2. Ensure that personal data are processed in a manner appropriate to the protection value of the data in question.
3. Decide how to store the information and ensure that it is handled securely during processing.
4. Decide which parts of the information should be deleted or retained after the work has been completed.
5. Draw up a consent and information form.
6. Inform each individual and obtain their consent for participation in the study, collect the necessary personal data, and process the personal data as determined in steps 1–5 above.
7. After the student work has been approved, delete or archive the personal data material as determined in step 4 above.

To meet the requirements of GDPR, all of these steps must be correctly assessed and performed. The department holding the course has the final decision on how these requirements are to be fulfilled and must ensure that students are fully informed about the conditions that apply to their student work. Both students and the responsible department must be involved and be familiar with each step of the process.

8.1 Does personal data need to be processed?

Since Umeå University has limited opportunities to ensure the necessary security and fulfil its personal data responsibilities for students processing of personal data, the primary aim is to ensure that no personal data are processed in student work. Secondly, as little personal data should be processed with as high a level of security as possible.

If no personal data are processed, GDPR will not apply, which will simplify the work. Personal data are not regarded as having been processed in student work if the work is conducted using anonymised data. Anonymised data are data that cannot be linked to an individual, either using the information available to the University or data available from other sources.

However, when a student conducts an “anonymous” survey, personal data are usually processed based on GDPR’s definition of personal data. The data are anonymous only when it is completely impossible for anyone to link the information to a specific person. For example, it is sufficient for the survey tool to log the IP address or to save some indirect information about the person who is



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responding to the survey for GDPR to apply. In addition, entry of free text responses always implies a risk that survey respondents may enter direct or indirect personal data about themselves or others. It should be assumed that most surveys involve the collection of personal data in some form, at least during the collection phase.

There is a difference between anonymised data and pseudonymised data. Pseudonymised data means that a code key or similar exists that links the information to a specific individual, regardless of whether the University has access to the code key. Pseudonymised data are considered personal data by GDPR. However, pseudonymisation both minimises processing of personal data and increases the level of processing security. Personal data that must be processed should therefore normally be processed in a pseudonymised form.

Processing of personal data in the form of quotations, references and citations is, as noted above, exempt from the rules on personal data processing.

For the department holding the course

Emphasise that only relevant and necessary personal data may be collected in the preparation and writing of the student assignment. Extraordinary reasons are required to include personal data beyond quotations, references and citations in the finished work.

When statistics are shown, it is important that aggregated statistics are shown without identification. It is neither permitted nor ethically justifiable to use so-called revealing statistics.

8.2 Ensure that personal data are processed in a manner appropriate to the protection value of the data

When personal data are processed at Umeå University, it is important to assess the of the specific data before any processing occurs. The staff website has pages on information security and on how to classify information. At an early stage, it is particularly important to consider the nature of the personal data to be processed in a student's work (sensitive, personal data that merit special protection or general personal data). The type of personal data determines their protection value and how they are to be processed, which storage solution should be selected, etc.

If sensitive personal data are to be processed within the framework of an independent student work, an appropriateness ethical assessment is also required to ensure that the project is carried out in an ethically acceptable manner. A clear purpose and good reasons are required to permit processing of sensitive personal data, see Section 7.2 above.



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If consent has been given and an ethical assessment has been conducted in accordance with the faculty's procedures, Umeå University will also permit students to process sensitive personal data.

For the department holding the course

If students are to process sensitive personal data or personal data that merit special protection outside of an ethically approved research project, it must be ensured that the project is conducted in an ethically acceptable manner. The department holding the course is also responsible for ensuring that an ethical assessment is conducted before the start of the study. The assessment must be conducted in accordance with the rules established for each faculty.

There may be ethical dimensions related to publishing. Information may not be appropriate for publishing even if it is not sensitive, such as if it concerns poor financial situations or information that should be protected that is of a private or reprehensible nature. In case of doubt as to whether information is sensitive, the data protection officer (pulo@umu.se) may be contacted.

Information about violations of the law, such as criminal convictions or suspicion of a crime, are considered personal data that merit special protection and, accordingly, must be protected in the same way as sensitive personal data. These may be processed if the student's work shows in a restrained way published judgements or suspected criminal actions that have been covered by the media by such responsible publishers as the journal *Dagens Juridik* or in legal databases such as JUNO (Karnov and Zeteo).

If the personal data relate to criminal offences (including penalties), it should usually be presented in a slightly pseudonymised form, in the same way as when publishing case law, i.e., using only the initials to identify those concerned as persons of interest, suspected or convicted. Where possible, other identifying information should be avoided. The same applies in cases where the names of witnesses and victims of crime appear in the published judgement.

It should also be noted that research involving the treatment of violations of the law, of criminal offences, of criminal convictions, of pre-trial coercive measures or of administrative deprivation of liberty requires the obtaining of an ethical permit. See sections 7.1 and 7.2 above.

8.3 Decide how to store and process the information

The GDPR rules concerning security are mandatory, and a person who is having their personal data processed may not agree to a lower level of security than that prescribed by GDPR. This means that the department holding the course is responsible for ensuring that students process the collected personal data in a secure manner. The level of security is determined by the protection value of the personal data, see Section 8.2.



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The University's staff website contains information on how and where information can be stored and processed. Only storage services provided by the University for collection, processing and storage may be used. For sensitive or personal data that merit special protection, use only those services explicitly authorised for processing sensitive personal data or personal data that merit special protection.

External cloud services not provided by the University may not be used for processing personal data. Furthermore, it is inappropriate to store personal data on unencrypted hardware, such as USB sticks, smartphones or tablets.

It is not appropriate for students to use their own tools while processing personal data, such as their own mobile phones. This applies regardless of the type of material: written, questionnaire responses, recorded interviews, photographs, videos, etc.

For the department holding the course

There are security rules in place for processing personal data and other information in student assignments that apply to students and staff at Umeå University.

The material, documentation, data, etc. on which student assignments are based must be stored using services provided by the University for storage and processing. Access should be limited to those who need the information in their role as, e.g., author, co-author, or department holding the course, as far as possible.

If the material contains sensitive personal data, the department holding the course must ensure that the data are processed in a university-approved service with sufficient security that is explicitly authorised for processing the data.

8.4 Decide which parts of the information contained in the personal data should be deleted or retained

Personal data may not be retained for longer than necessary and should be deleted when no longer needed. Before beginning collection of personal data, it is important to determine what will happen to the data. However, there may be certain situations where personal data may need to be saved for a certain period of time. For example, if the data are needed to support the conclusions of the student's work or if they are necessary for future data processing (for instance for the results to be published in a scholarly article). In these cases, the material should be archived.

The department holding the course must ensure that the other personal data are deleted as soon as the thesis has been graded, unless there are circumstances requiring them to be archived.



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For the department holding the course

Normally, data from work material is no longer required after a grade for a student assignment has been notified. The data should then be deleted. The exception is when the data are also part of a research project or otherwise constitute such general documents that must be archived by the department holding the course in a designated location.

The archiving rules are set out in the policy document “Retention and deletion plan for first- and second-cycle education”.

For an ethically approved study or in the rare case of when a student assignment is considered research, archiving must comply with the ethical decision and the policy document “Records management plan – Conducting research”.

8.5 Draw up a consent and information form

GDPR requires that anyone who has their personal data processed by the University must have received sufficient information. Furthermore, personal data may only be processed if there is a lawful basis for doing so. In principle, the only legal basis for processing this personal data in student work is consent.

For consent to be valid under GDPR, the participant in the study must have received sufficient information before consenting to participate. The requirement that consent should be voluntary also assumes that there will be no negative consequences should a person decline to participate in the study. If the person is unable to make an informed choice about participation in the study, the consent will be invalid.

It is therefore important that the consent form contains the information that GDPR requires and accurately reflects what the student will be doing with the personal data. Once collected, personal data may not be used for anything other than that agreed by the participant, unless an updated consent is obtained. It should be as easy for participants in the study to withdraw their consent as to give it. The information must always include the contact details of the student and the responsible department.

Umeå University has produced a template for a consent and information form for use with student assignments. It can be found on the University’s staff website.

As a rule, children under the age of 16 may be considered to lack sufficient maturity to give valid consent. A judgement of whether a child can provide informed consent must be made on a case-by-case basis. If it is judged that the child cannot give valid informed consent or it is uncertain, consent should instead be obtained from the child’s guardian. The language of the consent and information form needs to be adapted if children are to provide consent. The text should be clear and simple, and there are strict demands on the information provided before consent can be considered valid.



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For the department holding the course

The template for the consent and information form must be used when a subject participates in a study as part of a student work.

In some cases, written consent may be problematic. If oral consent is being considered, the data protection officer (pulo@umu.se) should be contacted.

8.6 Collecting informed consent and collecting and processing personal data

If everything has been done correctly in the previous steps, this step, which is formally important, is not very difficult.

The person collecting the personal data has the burden of proof for showing that there is a documented and valid consent. The collected consent must be stored in the same place where other collected material is stored throughout the process.

For the department holding the course

Students must store the collected data and the associated consent forms in the location created for the student assignment. The department holding the course is responsible for ensuring that this is done.

8.7 Disposing of or archiving personal data material after assessment

When the assignment has been completed and the student has been assessed on the course module, there remains one final thing to do. The personal data must be deleted or archived as defined in step 4 of Chapter 8.

For the department holding the course

The material is deleted or archived after assessment as defined in step 4 of Chapter 8. The department holding the course is responsible for ensuring that this is done.