



GDPR for Researchers: Frequently Asked Questions

What is the GDPR?

The General Data Protection Regulation (GDPR) is a European Union data protection and privacy law for all citizens within the European Union (EU) and the European Economic Area (EEA). The primary purpose of the GDPR is to give individuals control over how their personal data is used, maintained, and shared.

The GDPR applies to all individuals residing in or who are citizens of the EU or EEA. This means that **even if an EU or EEA citizen currently lives in the United States, that person is protected by the GDPR.**

What countries make up the GDPR?

Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, The Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and the United Kingdom

Which types of research are affected by the GDPR?

The GDPR only applies to research that collects data on **human subjects who reside in or are citizens of the EU or EEA.**

What are my obligations as a Penn State researcher wishing to conduct human subjects research in the EU or the EEA?

Penn State researchers conducting human subjects research in the EU or the EEA must:

1. Where possible, **anonymize** their data
2. Where anonymization is not possible, **pseudonymize** their data; or
3. Where possible, **obtain unambiguous consent** from their data subjects and provide notice to the data subjects of what the research entails.

How will I know if my consent complies with the GDPR?

The Office of General Counsel, together with the Office of Information Security and the Office of Research Protections, have drafted a consent that is GDPR-compliant. The IRB has this consent available for projects where the GDPR applies.



What do anonymization and pseudonymization mean?

An **anonymous** dataset means there are no identifiers attached to the dataset. Identifiers include data points such as name, address, SSN, drivers' license number, and date of birth. In other words, with an anonymous dataset it is impossible to identify an individual. **If a dataset is anonymous, the GDPR does not apply.**

A **pseudonymized** dataset means direct identifiers have been removed, but it is still possible to identify individuals. For example, when a researcher uses a list/key that links study identifiers (code numbers, participant IDs, etc.) to direct identifiers (names, birth dates, phone numbers, etc.), that dataset is pseudonymized.

Does the GDPR contain increased security requirements?

No. Any security requirements for your research project will be determined by contractual requirements (if applicable), the Office of Information Security, and University Policy AD95.

What if I am acquiring an existing dataset?

A number of obligations under the GDPR may not apply when a researcher acquires an existing dataset, but there still may be certain compliance obligations and/or contractual terms that would require review by the Office of Information Security (security@psu.edu)