

Checklists for the content of the information that according to the General Data Protection Regulation is to be given when personal data is collected

Checklist for the content of the information

For whom

This checklist is designed for anyone who will use personal data in their work or project, regardless of whether he or she is working in the academy or in the university's administration. The checklist intends to make things easier when you are to compile the information that, according to the General Data Protection Regulation, you are obliged to provide a person whose personal data you will be processing. In the text and in the checklist this person is referred to as "the data subject".

It is never sufficient to simply state that "Mid Sweden University complies with the applicable legislation concerning personal information" or similar - complete information must be provided when the data is collected. Keep in mind that you need to express it in a clear and concise manner and that the information must be adapted to the data subject. The data subject also has the right to get the information verbally if he or she prefers.

The checklist's structure

Depending on whether we obtain the information directly from a data subject (such as during an interview or survey, when registering an account, when photographs are taken, etc.) or if the information is obtained in some other way (i.e. retrieving grades via databases, checking addresses against the national population register, using extracts from medical records) the requirements concerning information differs.

This document is divided as follows:

- 1. General information**

+ additional information under 2 or 3

- 2. Special rules regarding information that is to be given if personal data is collected directly from the data subject**

- 3. Special rules regarding information that is to be given if personal data is collected, but not directly from the data subject**

How to read the checklist

The sections in italics are explanations or exemplifications of the item in question. If you wish to make changes, make it more condense etc. you may do so but make sure not to forget any item, if it is to be included.

The following appears under some of the headings:

“Text that ALWAYS should be included here is as follows:”

This is so that you do not forget to mention that the personal data in question also will be handled according to, among other things, the regulatory framework governing official documents and authorities’ records, something that might be easy to miss. If you wish to express this in another way, you are free to do so but make sure that the information is included!

Contact in case of questions and reservations

If you have questions or concerns regarding the checklists and what they address (and what might have been omitted), consult the Mid Sweden University’s legal function, archivist or data protection officer.

1. General information

Basic information

1. Who the data controller is and provided with contact details and, where possible, the natural person who can represent the data controller.

Mid Sweden University is normally the data controller but be sure to check this. Sometimes it may be a collaboration where there are several controllers, sometimes it may be someone else who’s responsible and we only perform the collection as part of an assignment, etc.

A natural person should be someone who is responsible for, for example, a system or a research project.

2. Name and contact details of the data protection officer, e-mail address and phone number.

Look at Mid Sweden University's web to find out who the data protection officer is.

3. The reason for the use of personal data and the lawful grounds for this.

At our university, it might for example be a matter of public interest such as research or exercise of official authority etc. Describe the use briefly so that the data subject can understand how his/her information will be handled. In case of uncertainty as to what regulatory framework applies, contact the legal function or the data protection officer.

Text that should ALWAYS be included here is as follows:

Mid Sweden University is an authority and has an obligation to, among other things, comply with the rules concerning official documents, authorities' records and public statistics. The university will also therefore continue to process the personal data in the ways necessary to comply with applicable legislation.

4. Who will see the personal data or which functions will use it.

For example, only researchers within the project, everyone in the H&R and economics department, any collaborations with other authorities or companies in the private sector.

Text that should ALWAYS be included here is as follows:

If someone requests an official document that contains personal data, Mid Sweden University may release the data. If the document is not to be/may be subject to confidentiality.

5. If it is necessary to transfer the personal data to a third country, i.e. a country outside the EU/EEA or to an international organisation, this is to be stated together with the legal support for this transfer.

Note: Publishing anything on the web does not automatically mean that it transfers to a third country. If uploaded on a social media site, however, it is often such a transfer of which the data subject needs to be notified. There are various possibilities where this can be permitted, together with other information. Contact the legal function or the data protection officer for advice on what applies in the case of transfers to a third country.

Information to ensure fair and transparent processing

a) How long the personal data will remain with the data controller, or, if it is not possible to specify, what determines the length of the storage.

For example the research project's duration, legislation or collective agreements on employers' responsibility for employees, archive legislation. Check what applies according to the document management plan. If you are unsure, contact Mid Sweden University's archivist for advice in the first instance.

Text that should ALWAYS be included here is as follows:

Your personal information is also stored for as long as is required by the legislation on official documents and authorities' records.

b) The right to be given access and, where possible, obtain rectification or erasure of personal data or restriction of the processing relating to the data subject or to object to the processing. The right to data portability (that the information collected should be easily to transfer) is also to be notified where relevant.

Once again, a great deal is governed by other legislation, which it is important to be aware of. For example; the scope to request correction in a research project is very limited, in instances of processing that have been archived it is neither legal nor practically possible to correct errors.

Data portability in particular is rarely applicable in our activities and operations but exists to make it easier for individuals to change their bank, insurance company, etc.

c) IF use of personal data is based on consent, the data subject must be informed that he/she has the right to revoke their consent and how to do so. Information shall also be given that revocation does not affect the legality of the use of personal data that took place before the consent was revoked.

Information collected based on a consent before it was revoked may therefore continue to be used. However, no new information may be collected.

d) The individual is to be informed that he/she has the right to submit complaints about the use of his/her personal data. Complaints can be made either to Mid Sweden University's data protection officer or directly to the Swedish Data Protection Authority, which is the supervisory authority.

e) IF personal data must be provided due to a legal or contractual requirement or necessary to be able to enter into an agreement, this is to be stated separately. It is also necessary to notify the data subject if it's a legal requirement that the individual

provides the information, and if there are possible consequences of not providing the information.

Found within the university's administrative processes and within the administration.

f) IF there is automated decision-making based on the provided personal data, this is to be stated together with at least some information about the logic behind, what this way of making decisions means, and what predictable consequences there are of such processing.

Found within the university's administrative processes and within the administration.

Other purpose

IF Mid Sweden University intends to use the personal data for a purpose other than for which originally collected, the data subject must be informed thereof before such additional use is made. Needing also other relevant information in accordance with the section on information to ensure fair and transparent processing.

2. Special rules regarding information that is to be given if personal data is collected directly from the data subject

WHEN personal data is collected, not afterwards, the data subject must be informed of s/he's rights as stated under section 1. It is not permitted to firstly collect information and afterwards inform the data subject; the information must already have been given beforehand.

3. Special rules regarding information that is to be given if personal data is collected, but not directly from the data subject

Exemptions from the duty to provide information

IF any of the exemptions are used, be sure to document this along with at least a short justification as to why the information does not need to be provided.

- If it is impossible to give the information contained in this checklist, or if it would involve disproportionate effort, primarily to be used in archiving, research and statistics contexts.

What constitutes disproportionate effort is determined in the first instance by the data processor but praxis in this area will develop when the supervisory authority's audits begin.

- If providing the basic information in the checklist would likely significantly impede or render impossible the fulfilment of the objectives of the use of the personal data.

For example, a research project would not be able to be conducted.

In the above-mentioned cases, Mid Sweden University can instead take “appropriate measures” to protect the data subject’s rights and freedoms and legitimate interests, including making the information available to the public. Feel free to discuss this with the legal function or the data protection officer.

- If expressly stated in the legislation that we are to register or provide information and this type of processing has appropriate measures to protect the data subject’s legitimate interests.

For example, Ladok; it is a registration that we perform due to legal requirements.

- If the personal data must remain confidential as a consequence of mandatory secrecy, for example privacy legislation or other laws.

Can involve issues of national security.

If no exemption applies, Mid Sweden University is obliged to give the data subject the information under section 1 and, in addition, also to be given information regarding what personal data will be collected and used.

When to give information

This is to be done at different times depending on the situation:

- Within a reasonable time period after we have received the personal data, but no later than within one month. In assessing what is reasonable, any special circumstances regarding the manner in which the personal data is used must be considered.
- If personal data is to be used to contact the data subject, the information is to be given no later than at the first contact.
- If disclosure to another recipient can be assumed, the information is to be provided at the latest when the personal data is disclosed for the first time.