

Privacy Help Desk

Frequently Asked Questions (FAQ)

Project number	830892
Project acronym	SPARTA
Project title	Strategic programs for advanced research and technology in Europe
Start date of the project	1 st February, 2019
Duration	36 months
Programme	H2020-SU-ICT-2018-2020

Responsible organisation	INOV
Editor	Gonçalo Cadete
Dissemination level	For internal use
Last updated	2020-09-30

Abstract	Internal FAQ document that resumes questions and answers related to Privacy, namely those submitted through the Privacy Help Desk.
Keywords	Privacy, FAQ, Privacy Help Desk, ELSA, ethical aspects, legal aspects, societal aspects

Disclaimer

The information in this document is provided “as is”, and no guarantee or warranty is given that the information is fit for any particular purpose. The content of this document reflects only the author’s view – the European Commission is not responsible for any use that may be made of the information it contains. The users use the information at their sole risk and liability.



Table of Contents

Chapter 1	Data protection concepts	3
1.1	What does “personal data” mean?	3
1.2	What does “protection of personal data” mean?	3
1.3	What does “data protection by design” mean?”	3
1.4	What does “data protection by default” mean?”	4
1.5	What do we mean by “solidarity”?	4
1.6	What do we mean by “subsidiarity”?	4
1.7	What do we mean by “societal acceptance”?	5
1.8	What do we mean by “responsible research and innovation”?	5
1.9	What is the GDPR?	5
1.10	Which data protection legislation is applicable to SPARTA?	6
1.11	Where can I find more documentation on ethical, legal, and societal issues?	6
1.12	What is the role of WP Leaders in fostering Ethical, Legal and Societal Aspects (ELSA)?	6
Chapter 2	About the Privacy Help Desk	8
2.1	What is the Privacy Help Desk?	8
2.2	How can the Privacy Help Desk help me?	8
2.3	How do I use the Privacy Help Desk?	8
2.4	Can I test the Privacy Help Desk?	9
Chapter 3	How-to?	10
3.1	How can I report a data protection issue, in the context of SPARTA?	10
3.2	How can I report an ethics issue, in the context of SPARTA?	10
3.3	How can I report a societal acceptance issue, in the context of SPARTA?	10
3.4	How can I contribute to this FAQ document?	10
3.5	How can I become an ELSA champion?	10
List of Abbreviations		11
Glossary		12
Bibliography		13

Chapter 1 Data protection concepts

This chapter defines basis data protection and privacy terminology, as well as provides practical advice on data protection issues in SPARTA.

1.1 What does “personal data” mean?

Personal data is any information that relates to an identified or identifiable living individual. Different pieces of information, which collected together can lead to the identification of a particular person, also constitute personal data.

Personal data that has been de-identified, encrypted or pseudonymised but can be used to re-identify a person remains personal data and falls within the scope of the GDPR.

Personal data that has been rendered anonymous in such a way that the individual is not or no longer identifiable is no longer considered personal data. For data to be truly anonymised, the anonymisation must be irreversible without undue effort.

References:

- [EC: What is personal data?](#)
- Article 2, Article 4(1) and (5) and Recitals (14), (15), (26), (27), (29) and (30), of the [GDPR](#)
- [Article 29 Working Party Opinion 4/2007 on the concept of personal data](#)
- [Article 29 Working Party Opinion 05/2014 on Anonymisation Techniques](#)

1.2 What does “protection of personal data” mean?

The EU Charter of Fundamental Rights stipulates that EU citizens have the right to protection of their personal data. As per Article 8 on “Protection of personal data”, everyone has the right to the protection of personal data concerning him or her; such data must be processed fairly for specified purposes and on the basis of the consent of the person concerned or some other legitimate basis laid down by law; and everyone has the right of access to data which has been collected concerning him or her, and the right to have it rectified. Also, as per Article 7 of the Charter “everyone has the right to respect for his or her private and family life, home and communications”.

Also, according to the GDPR, the protection of natural persons in relation to the processing of personal data is a fundamental right.

References:

- [CHARTER OF FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION \(2012/C 326/02\)](#)
- [GDPR](#)

1.3 What does “data protection by design” mean”?

Companies/organisations are encouraged to implement technical and organisational measures, at the earliest stages of the design of the processing operations, in such a way that safeguards privacy and data protection principles right from the start (‘data protection by design’).

Example of data protection by design:

- The use of pseudonymisation (replacing personally identifiable material with artificial identifiers) and encryption (encoding messages so only those authorised can read them).

References:

- [EC: What does data protection 'by design' and 'by default' mean?](#)
- Article 25 of the [GDPR](#)
- Recital 78 of the [GDPR](#)

See also:

- Question 1.4

1.4 What does “data protection by default” mean”?

Data protection by default means that once a product or service has been released to the public, the strictest data protection settings should apply by default, without any manual input from the end user.

By default, companies/organisations should ensure that personal data is processed with the highest privacy protection (for example only the data necessary should be processed, short storage period, limited accessibility) so that by default personal data isn't made accessible to an indefinite number of persons ('data protection by default').

Example of data protection by default:

- A social media platform should be encouraged to set users' profile settings in the most privacy-friendly setting by, for example, limiting from the start the accessibility of the users' profile so that it isn't accessible by default to an indefinite number of persons.

References:

- [EC: What does data protection 'by design' and 'by default' mean?](#)
- Article 25 of the [GDPR](#)
- Recital 78 of the [GDPR](#)

See also:

- Question 1.3

1.5 What do we mean by “solidarity”?

The principle of solidarity, enshrined in Article 3 TEU, facilitates Union cohesion as it ensures that the Member States share equally, or at least reciprocally, in the benefits and burdens of collaboration. Solidarity featured already in the 1951 Treaty Establishing the European Coal and Steel Community Treaty, stating in the preamble that “Europe can be built only through real practical achievements which will first of all create real solidarity, and through the establishment of common bases for economic development.” Moreover, Article 122 of the Lisbon Treaty reaffirms the importance of solidarity as a mechanism of collaboration in the context of disasters within the Member States.

References:

- [ECOSSIAN D7.9](#)

See also:

- Question 1.6

1.6 What do we mean by “subsidiarity”?

Subsidiarity is one of the foundational principles of the European Community and was codified already in the Single European Act as and the Maastricht Treaty. It is regulated by Article 5 TEU (above) and Protocol No. 2 to the Treaty on the European Union. It exists to anchor powers and decisions as close to the citizens as possible and to cement the sovereignty of the Member States in areas of policy and law that are not exclusive competences to the Union. Conversely, the principle

provides for a limited mandate of Union involvement to situations where the scale or effects of proposed action make Union interventions better placed to achieve an action. The effect of these dual objectives is a balance of power between institutions.

References:

- [ECOSSIAN D7.9](#)

See also:

- Question 1.5

1.7 What do we mean by “societal acceptance”?

In SPARTA, we must ensure that the methods, tools, and services that we use and that we produce are well accepted by European citizens, as a community.

Societal acceptance thus complements the requirements of ethical conformance and legal compliance, ensuring high standards of behaviour and outcomes for SPARTA.

In practice, if you think that there may be societal acceptance issues in SPARTA, you are welcome to share your concerns with the Ethics Committee.

See also:

- Question 1.8

1.8 What do we mean by “responsible research and innovation”?

Responsible research and innovation (RRI) is an approach that anticipates and assesses potential implications and societal expectations with regard to research and innovation, with the aim to foster the design of inclusive and sustainable research and innovation.

RRI implies that societal actors (researchers, citizens, policy makers, business, third sector organisations, etc.) work together during the whole research and innovation process in order to better align both the process and its outcomes with the values, needs and expectations of society.

In practice, RRI is implemented as a package that includes multi-actor and public engagement in research and innovation, enabling easier access to scientific results, the take up of gender and ethics in the research and innovation content and process, and formal and informal science education.

References:

- [EC H2020 Responsible research & innovation](#)

1.9 What is the GDPR?

The General Data Protection Regulation (GDPR) refers to Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data. This text includes the corrigendum published in the OJEU of 23 May 2018. It has replaced the Data Protection Directive of 1996 that was implemented by national laws. As a regulation the GDPR is now directly applicable law in all EU member states. The GDPR is supplemented by special data protection law either on the EU level (e.g. the future ePrivacy regulation) or on the national level.

The regulation is an essential step to strengthen individuals' fundamental rights in the digital age and facilitate business by clarifying rules for companies and public bodies in the digital single market. A single law will also do away with the current fragmentation in different national systems and unnecessary administrative burdens.

The regulation entered into force on 24 May 2016 and applies since 25 May 2018.

References:

- [GDPR](#)
- [Data Protection in the EU](#)

1.10 Which data protection legislation is applicable to SPARTA?

When dealing with data protection issues, please refer to:

- The General Data Protection Regulation (GDPR).
- The Directive on Security of Network and Information Systems (NIS Directive) and the respective national transpositions.
- The EU Data Protection Directive and national transpositions.
- [Directive \(EU\) 2016/680](#), on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data.
- National legislation and regulations, both generic and specific (i.e. applicable to the sector you are working for, as well as the purposes of the processing).

Remember to always seek advice from competent supervisory authority, your company's data protection officer (DPO) or your company's legal department, on any generic and specific data protection issues.

Note that, in addition to European and national legal compliance concerns, your company may also require or recommend corporate governance or corporate compliance policies and practices regarding data protection.

References:

- [Data Protection in the EU](#)
- [GDPR](#)
- [EC: Rules for business and organizations](#)
- [EU: Rights for citizens](#)
- [NIS Directive](#)

1.11 Where can I find more documentation on ethical, legal, and societal issues?

In the official SPARTA SVN repository, under the folder:

- \03-WPs\WP2-Responsible-innovation-ethical-legal-and-societal-aspects\Materials

1.12 What is the role of WP Leaders in fostering Ethical, Legal and Societal Aspects (ELSA)?

Work package (WP) leaders are expected to be champions and leaders on ELSA, by example and by word, especially fostering ELSA awareness and ELSA best practices among the participants in their WPs.

They may help promote ELSA in several practical ways:

- Participating in the ELSA Audit initiatives.
- Promoting the Privacy Help Desk.
- Promoting the Privacy FAQ (this document).



- Proactively discussing and sharing ELSA issues, ex. identifying potential conflicts between cyber capabilities and EU principles, as well as emerging AI ethical, legal, and societal concerns.
- Raising or escalating ELSA concerns to the Ethics Committee.

Chapter 2 About the Privacy Help Desk

In this chapter the Privacy Help Desk tool is presented, and its practical usage explained.

2.1 What is the Privacy Help Desk?

The Privacy Help Desk is a platform to help you raise any question you may have related to ELSA, data protection, and privacy.

It is implemented using a ticketing system, and it is operated and managed by INOV.

The user interface is simple and accessible: you just need to send an email.

See also:

- Question 2.3

2.2 How can the Privacy Help Desk help me?

You may use the Privacy Help Desk to raise a question regarding ELSA, data protection, or privacy, as well as report a related issue.

In this way, your question or contribution will be formally registered and followed-up.

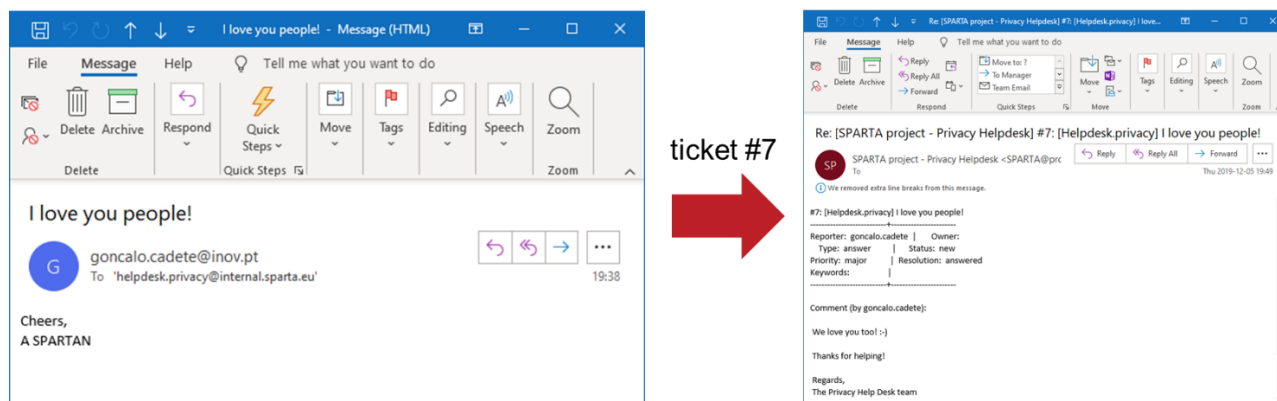
See also:

- Question 3.1
- Question 3.2
- Question 3.3

2.3 How do I use the Privacy Help Desk?

Just send an email message to helpdesk.privacy@internal.sparta.eu. Your contribution will be automatically registered in the ticketing system and followed-up.

An interaction with the Privacy Help Desk looks like this:



In this example:

- 1) The user goncalo.cadete@inov.pt sends an email message to the Privacy Help Desk (To: helpdesk.privacy@internal.sparta.eu),
- 2) This triggered the automatic creation of a ticket (with a unique ticket identifier).



- 3) Later, the Privacy Help Desk operator replied, thanking for the contribution, and changing the ticket status.

2.4 Can I test the Privacy Help Desk?

You are welcome to test the Privacy Help Desk.

That is also a contribution, to help ensure that the infrastructure is up-and-running and that the help-desk operator is responsive.

You may wish to include the prefix “[test]”, or similar, in the email message header, to help identify your message as a test message.

Chapter 3 How-to?

In this chapter we aim to engage SPARTA participants in contributing to ethical conformance, legal compliance, and societal acceptance, by providing practical advice on how to do it.

3.1 How can I report a data protection issue, in the context of SPARTA?

You may use the Privacy Help Desk to report a data protection issue. In this way, your contribution will be formally registered and followed-up. You may also contact the Ethics Committee, responsible for monitoring the execution of SPARTA and manage new ethical issues related to protection of personal data issues.

3.2 How can I report an ethics issue, in the context of SPARTA?

You may use the Privacy Help Desk to report an ethics conformance issue. In this way, your contribution will be formally registered and followed-up. You may also contact the Ethics Committee, responsible for monitoring the execution of SPARTA and manage new ethical issues related to protection of personal data issues.

3.3 How can I report a societal acceptance issue, in the context of SPARTA?

You may use the Privacy Help Desk to report a societal acceptance. In this way, your contribution will be formally registered and followed-up. You may also contact the Ethics Committee, responsible for monitoring the execution of SPARTA and manage new ethical issues related to protection of personal data issues.

3.4 How can I contribute to this FAQ document?

Your questions, comments, and other contributions matter.

You are welcome to send your questions and other contributions using the Privacy Help Desk. In this way, your contribution will be formally registered and followed-up.

See also:

- Question 2.3

3.5 How can I become an ELSA champion?

We SPARTANS love ELSA and love those that love ELSA.

Here is some practical advice on how to become an ELSA champion:

- Improve your ELSA awareness and capabilities, help improve ELSA in SPARTA.
- Contribute to state-of-the-art Governance in SPARTA.
- Be recognized as a Responsible Researcher.
- Be recognized as a Responsible Innovator.
- Promote a meaningful working environment.
- Help SPARTA attract and retain diverse talent.
- Use the Privacy Help Desk to register your questions and other contributions.

List of Abbreviations

Abbreviation	Translation
CCN	Cybersecurity Competence Network
EC	European Commission
ELSA	Internal ethical, legal and societal aspects
GDPR	General Data Protection Regulation
ICT	Information and Communications Technologies
RIA	Research and Innovation action
RRI	responsible research and innovation
SD	Strategic Direction
SPARTA	Strategic Programs for Advanced Research and Technology in Europe
SVN	subversion document repository
WP	Work Package

Glossary

Term	Definition	Reference
SPARTA	Acronym for “Strategic Programs for Advanced Research and Technology in Europe”, a European Commission Horizon 2020 programme, project number 830892, as per call H2020-SU-ICT-2018-2020, Work programme H2020 SU-ICT-03-2018: Establishing and operating a pilot for a Cybersecurity Competence Network to develop and implement a common Cybersecurity Research & Innovation Roadmap.	SPARTA

Bibliography

- [1] SPARTA DoA ANNEX 1 (part A), SPARTA Project – Strategic programs for advanced research and technology in Europe, European Commission, 2019
- [2] SPARTA DoA ANNEX 1 (part B), SPARTA Project – Strategic programs for advanced research and technology in Europe, European Commission, 2019
- [3] D10.2 Data Management Plan, deliverable SU-ICT-03-830892/D10.2/ V1.0, SPARTA Project – Strategic programs for advanced research and technology in Europe, European Commission, October 2019
- [4] European Union Agency for Fundamental Rights, and Council of Europe, *Handbook of European data protection law. 2018 edition*, Publications Office of the European Union, Luxembourg, 2018. https://fra.europa.eu/sites/default/files/fra_uploads/fra-coe-edps-2018-handbook-data-protection_en.pdf
- [5] von Schomberg, René, and Jonathan Hankins (eds.), *International Handbook on Responsible Innovation: A Global resource*, Edward Elgar, Cheltenham, 2019.
- [6] van den Hoven, Jeroen, Neelke Doorn, Tsjalling Swierstra, Bert-Jaap Koops, and Henny Romijn, *Responsible innovation 1: Innovative Solutions for Global Issues*, Springer, Dordrecht, Heidelberg, New York, London, 2014.
- [7] Koops, Bert-Jaap, Ilse Oosterlaken, Henny Romijn, Tsjalling Swierstra, and Jeroen van den Hoven (eds.), *Responsible Innovation 2: Concepts, Approaches, and Applications*, Springer, Cham, Heidelberg, New York, Dordrecht, London, 2015.