

EMBL Archive - Record of Processing Activities

This document was prepared in February and March 2018, and updated in October 2018 and published in March 2019, in pursuance, in the first instance, of Article 30 of Regulation (EU) 2016/679 (General Data Protection Regulation), known as the GDPR, and, following its adoption, EMBL Internal Policy 68 on General Data Protection.¹

Department	EMBL Archive
Mission of the EMBL Archive	To capture, process and make accessible EMBL's scientific records and archives, and institutional documentary heritage. ²
Name of IT system software	AtoM v. 2.2, local instance.

Name and address of the Data Controller EMBL IP68 Art. 19(1)(a) GDPR Art. 30(1)(a)	The Data Controller is the EMBL Archive. The current EMBL Archivist is: Dr. Anne-Flore Laloë Meyerhofstraße 1 69117 Heidelberg Germany T: +49 (0)6221 387-8719 E: anne-flore.laloe@embl.de There are no joint controllers.
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Contact details for the Data Protection Officer EMBL IP68 Art. 19(1)(a) GDPR Art. 30(1)(a)	EMBL Data Protection Officer Meyerhofstraße 1 69117 Heidelberg Germany T: +49 (0)6221 387-8590 E: dpo@embl.org
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Declaration

I declare myself responsible for the personal data and the processing activities described below and understand that I am responsible for complying with EMBL Internal Policy 68 (equivalent to the GDPR) for the EMBL Archive.

_____ [name & signature]

_____ [date and place]

¹ The full text of the GDPR is available here: <http://data.europa.eu/eli/reg/2016/679/oj>. The full text of EMBL IP68 is available here: <https://www.embl.de/aboutus/administration/legal-services/data-protection/IP68-Data-Protection-EN-18052018.pdf>.

² EMBL, "EMBL Archive Terms of Reference", 2018, § 2. The full text of the "EMBL Archive Terms of Reference" is available here: https://www.embl.de/aboutus/archive/upload-file/TermsOfReference_2018_final.pdf.

<p>Purpose for processing personal data and legal basis of this processing</p> <p>EMBL IP68 Art. 19(1)(b) GDPR Art. 30(1)(b)</p>	<p>Personal data are processed by the EMBL Archive in order to deliver the mission of the EMBL Archive which is to capture, preserve and make accessible in the public interest EMBL's scientific records and archives, and institutional documentary heritage. The delivery of this mission is in the public interest, which is the legal basis for the processing of personal data by the EMBL Archive, pursuant to Article 5 (1)(a) of the IP68 (equivalent to Article 6 (1)(e) of the GDPR) and to Article 10(1) of the IP68 (equivalent to Article 9(2)(j) of the GDPR if it relates to specific categories of personal data.)³</p> <p>This legal basis is justified by the <i>Agreement establishing the European Molecular Biology Laboratory</i> which states that:</p> <p>“The Laboratory shall promote co-operation among European States in fundamental research, in the development of advanced instrumentation and in advanced teaching in molecular biology as well as in other areas of research essentially related thereto, and to this end shall concentrate its activities on work not normally or easily carried out in national institutions. The results of the experimental and theoretical work of the Laboratory shall be published or otherwise made generally available.”⁴</p> <p>Several internal policies, as well as the EMBL Archive Terms of Reference further support this processing:</p> <p>1) <i>EMBL Internal Policy 51: EMBL Rules of Good Scientific Practice</i> outlines rules governing day-to-day scientific practice applicable to EMBL. These include “the reliable securing and storage of primary data and meta data [<i>sic</i>]; clear and comprehensible documentation of all important results.”⁵</p>
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³ Specific categories of personal data include personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.

⁴ “Agreement establishing the European Molecular Biology Laboratory”, Geneva, CH, 10 May 1973 (EIF 4 July 1974), United Nations Treaty Series, vol. 954, No. 13866 p. 353, https://www.embl.de/aboutus/general_information/organisation/hostsite_agreement/un_agreement.pdf, Art. II, § 1.

⁵ EMBL, “Internal Policy 51: EMBL Rules Of Good Scientific Practice & EMBL Rules of Procedure in Cases of Suspected Scientific Misconduct”, 2012, Art. 1, § 1, https://intranet.embl.de/hr/internal_policies/ip51_good-practice_en.pdf [Internal only].

	<p>2) <i>EMBL Internal Policy 66: EMBL Open Access Policy</i> states that “EMBL believes that the rapid and unrestricted sharing of knowledge is a key driver of progress and ensures maximal impact of its research on the global scientific community, medicine, industry and society at large.”⁶</p> <p>3) <i>EMBL Internal Policy 68: General Data Protection</i> states that “EMBL may process personal data only insofar as necessary for (...) compliance with EMBL Council decisions and with any other rules applicable to such processing, the protection of its legitimate interests; or its day-to-day management, operation and functioning.”⁷</p> <p>4) The <i>EMBL Archive Terms of Reference</i> state that: “The EMBL Archive exists to preserve and share EMBL’s documentary heritage. It is therefore open to all, but access to material will necessarily be controlled to protect private or sensitive data and intellectual property.”⁸</p> <p>In addition, the legal basis for the processing of personal data within the context of the EMBL Archive Oral Histories Programme is upon consent from the data subjects.</p>
Data location	EMBL servers, EMBL Archive and EMBL Archivist’s office.
Categories of data subjects EMBL IP68 Art. 19(1)(c) GDPR Art. 30(1)(c)	The EMBL Archive processes data related to the following categories of subjects ⁹ : <ul style="list-style-type: none"> A. Creators (natural persons) of material transferred to the EMBL Archive (either directly by themselves or by their heirs) B. Participants in the EMBL Archive Oral Histories Programme C. Individuals about whom personal data appears in archival holdings originating either from the creator of this material or from institutional units D. Volunteers in the EMBL Archive

⁶ EMBL, “Internal Policy 66: EMBL Open Access Policy”, 2015, <https://www.embl.de/services/library/open-access-information/open-access-at-embl/IP-66-EMBL-Open-Access-Policy.pdf>.

⁷ EMBL IP68, Art. 5, § 1(e), equivalent to GDPR Art. 6, §1(e).

⁸ EMBL, “EMBL Archive Terms of Reference”, 2018, § 7.

⁹ Generally speaking, these categories of data subjects are likely to be made up of EMBL staff, EMBL Council members, EMBL committee members, EMBL alumni, contributors to the EMBL Archive, volunteers in the EMBL Archive, individuals associated to EMBL.

<p>Description of categories of personal data processed for each category of data subject</p> <p>EMBL IP68 Art. 19(1)(c) GDPR Art. 30(1)(c)</p>	<p>According to the <i>EMBL Archive Terms of Reference</i>, data processing in the EMBL Archive follows general archival principles set out by the International Council on Archives.¹⁰</p> <p><u>Data subjects in Category A (Creators (natural persons) of material transferred to the EMBL Archive):</u> For this category of data subjects, the EMBL Archive must create an archival authority record to link to the material deposited. In accordance with the <i>EMBL Archive Terms of Reference</i> and in line with professional best practice, these follow the <i>International Standard Archival Authority Record (ISAAR)</i> maintained by the International Council on Archives.¹¹ This requires personal data in the following categories to be processed:</p> <ul style="list-style-type: none"> - name - dates of existence - history - places - functions, occupations and activities - mandates - general context <p><u>Data subjects in Categories B, C and D (Participants in the EMBL Archive Oral Histories Programme, Individuals about whom personal data appears in archival holdings originating either from the creator of this material or from institutional units and Volunteers in the EMBL Archive):</u> Personal data relating to data subjects in categories B, C and D are processed by the EMBL Archive within the context of the creation of archival descriptions. In accordance with the <i>EMBL Archive Terms of Reference</i> and in line with professional best practice, these follow <i>ISAD(G)</i>:</p>
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¹⁰ EMBL, “EMBL Archive Terms of Reference”, 2017 and see International Council on Archives, <https://www.ica.org/en>.

¹¹ International Council on Archives, “ISAAR (CPF): International Standard Archival Authority Record for Corporate Bodies, Persons and Families”, 2011, 2nd ed., https://www.ica.org/sites/default/files/CBPS_Guidelines_ISAAR_Second-edition_EN.pdf.

	<p><i>General International Standard Archival Description</i>, maintained by the International Council on Archives.¹² This requires data in the following areas to be processed:</p> <ul style="list-style-type: none">- identification information- context- content and structure- conditions of access and use- allied materials- notes- access points- description control- rights- administration <p>In addition to the above, the following personal data are processed for data subjects in categories B, C and D specifically:</p> <p><u>Data subjects in Category B (Participants in the EMBL Archive Oral Histories Programme):</u> For this category of data subjects, the following data are processed:</p> <ul style="list-style-type: none">- name- sex- date of birth- place of birth- address- email address- institutional affiliations (past and present)- professional positions- other relevant institutions
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¹² International Council on Archives, "ISAD(G): General International Standard Archival Description", 2010, 2nd ed., https://www.ica.org/sites/default/files/CBPS_2000_Guidelines_ISAD%28G%29_Second-edition_EN.pdf.

	<p><u>Data subjects in Category C (Individuals about whom personal data appears in archival holdings):</u> The personal data found about this category of data subjects is unpredictable, as it will have be gathered organically or in an unstructured manner. From experience, it can include the following types of data:</p> <ul style="list-style-type: none"> - name - institutional affiliations - functions, occupations and activities <p>It cannot be excluded that special categories of data (as listed in EMBL IP68 Art. 10, equivalent to Article 9(1) of the GDPR) be included within the holdings of the EMBL Archive. If such data is found, these will be processed in line with relevant legislation and professional best practice.</p> <p><u>Data subjects in Category D (Volunteers in the EMBL Archive):</u> For this category subjects, the following data is processed:</p> <ul style="list-style-type: none"> - name - email address
<p>Categories of recipients and description of disclosures</p> <p>EMBL IP68 Art. 19(1)(d) GDPR Art. 30(1)(d)</p>	<p>1) The primary recipient of personal data is the global, general public. who will have access to the EMBL Archive catalogue through the publicly available online interface of AtoM (archive.embl.org).</p> <p>2) EMBL IT Services receive and process all data that is stored within the AtoM software on behalf od the EMBL Archive.</p>
<p>Description of disclosures of personal data</p> <p>EMBL IP68 Art. 19(1)(d) GDPR Art. 30(1)(d)</p>	<p>Some personal data are disclosed globally through the EMBL Archive catalogue:</p> <ul style="list-style-type: none"> - within authority records relating to creators (natural persons) of material transferred to the EMBL Archive (either directly by themselves or by their heirs), which include: name, dates of existence, history, places, functions, occupations and activities, mandates and general context. - within archival descriptions that hold personal data about participants in the EMBL Archive Oral Histories Programme which include: name, date of birth, institutional affiliations (past and present), professional positions and other relevant institutions. - within archival descriptions that hold personal data about individuals about whom

	<p>personal data appears in archival holdings originating either from the creator of this material or from institutional units which include: name, institutional affiliations, and functions, occupations and activities.</p> <ul style="list-style-type: none"> - within archival descriptions that include the names of volunteers in the EMBL Archive which include: name only.
<p>Transfers of data outside EMBL EMBL IP68 Art. 19(1)(e) GDPR Art. 30(1)(e)</p>	<p>All data published through archive.embl.org is available globally, including to recipients outside EMBL, recipients outside the European Economic Area (EAA) and other international organisations.</p>
<p>Justification for the transfer of data outside EMBL</p>	<p>The worldwide publication of authority records and archival descriptions which include disclosures of certain categories of personal data (as listed above) is justified by the fact that the mission of the EMBL Archive, itself in alignment with that of EMBL, is in the public interest. This is addressed by GDPR Art. 89 “Safeguards and derogations relating to processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes.” Adjoining this article, Recital 158 states that: “Where personal data are processed for archiving purposes, this Regulation should also apply to that processing, bearing in mind that [the GDPR] should not apply to deceased persons. Public authorities or public or private bodies that hold records of public interest should be services which, pursuant to Union or Member State law, have a legal obligation to acquire, preserve, appraise, arrange, describe, communicate, promote, disseminate and provide access to records of enduring value for general public interest.” In addition, the processing of personal data for academic expression is addressed in GDPR Art. 85 “Processing and freedom of expression and information.” Adjoining this article, Recital 153 states that: “The processing of personal data solely for journalistic purposes, or for the purposes of academic, artistic or literary expression should be subject to derogations or exemptions from certain provisions of this Regulation if necessary to reconcile the right to the protection of personal data with the right to freedom of expression and information.</p>
<p>Adequate safeguards relied on for transfers of personal data outside EMBL EMBL IP68 Art. 19(1)(e) GDPR Art. 30(1)(e)</p>	<p>As well as abiding to internal governance of EMBL and reporting to the EMBL Director General, who steers any procedure implemented within the EMBL Archive, the EMBL Archive also abides to the governing principles of the International Council on Archives, which sets professional standards in the field of recordkeeping and includes principles for the protection of individuals.</p>

Retention period EMBL IP68 Art. 19(1)(f) GDPR Art. 30(1)(f)	Permanent. ¹³
General description of technical and organizational security measures [Information provided by EMBL IT Services] EMBL IP68 Art. 19(1)(g) GDPR Art. 30(1)(g) and GDPR Art. 32(1)	<p>EMBL IT Services is responsible to apply specific technical and security measures according to Article 14(1) of IP68 (equivalent to Article 32(1) of the GDPR), which ensure:</p> <ul style="list-style-type: none"> - the ability of the ongoing confidentiality, integrity, availability and resilience of processing systems and services; - the ability to restore the availability and access to personal data in a timely manner in the event of a physical or technical incident; - the process for regularly testing, assessing and evaluating the effectiveness of technical and organisational measures for ensuring the security of the processing. <p>Such technical and security measures are:</p> <p>1) Authorization (information access restriction) for control of:</p> <ul style="list-style-type: none"> - network access (upon controller`s approval); - user access (each user has a unique ID-UID for identifying itself and being part of each GID); - group access (to distinguish access to different assets/activity by groups with their own unique ID (GID). Controller of the asset decides on assigning UIDs to GIDs based on the user's line of work). - privileged access (granted by a controller of the asset to a small number of competent personnel- administrative access) <p>2) Authentication (secure log-on procedure) by using user's:</p> <ul style="list-style-type: none"> - password as a secret authentication information; - cryptographic key as more secure type of secret authentication information.

¹³ The permanent retention is supported by the International Council on Archives "Universal declaration on Archives", which was adopted by UNESCO in 2011. The full declaration is accessible on the website of the International Council on Archives: https://www.ica.org/sites/default/files/UDA_June%202012_web_EN.pdf.

	<p>3) Physical security of assets:</p> <ul style="list-style-type: none"> - secure areas (offices, rooms, facilities) are secured with appropriate entry controls allowing only authorized physical access; - datacenter, as specially secured perimeter to accommodate information processing facilities. <p>4) Operational security, as data are protected by information processing facilities on several levels by:</p> <ul style="list-style-type: none"> - secondary datacenter, used to maintain availability and resilience of data; - mirroring (copy) important data across different information storage facilities ensures resilience and access speed; - backup of all important data by default and ensures availability of them as a last resort; - archiving of data (long term) on controller's request. <p>5) Event recording by event logging (regularly reviewed):</p> <ul style="list-style-type: none"> - access attempts as well as all activities by privileged rights holders are logged and monitored. <p>The data controller is responsible for the access to and management of data protection, including the management of physical and electronic files that contain personal data and access rights to personal data published in the EMBL Archive catalogue and within the AtoM software, e.g. with user groups, rights management and authenticated users.</p> <p>Finally, security measures also include password-protected computers, locked offices and storage areas and other adequate safeguards for access to material that is known to contain sensitive personal data.</p>
<p>Impact assessment of likely risks to the rights and freedoms of natural persons EMBL IP68 Art. 11 GDPR Art. 35(1)</p>	<p>The personal data contained in the EMBL Archive is unlikely to result in a high risk to the rights and freedoms of data subjects. Thus it is unnecessary to conduct a data protection impact assessment.</p>