

# Which data need to be collected? User statistics, etc. - open exchange



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# Collecting and handling users' personal data & GDPR

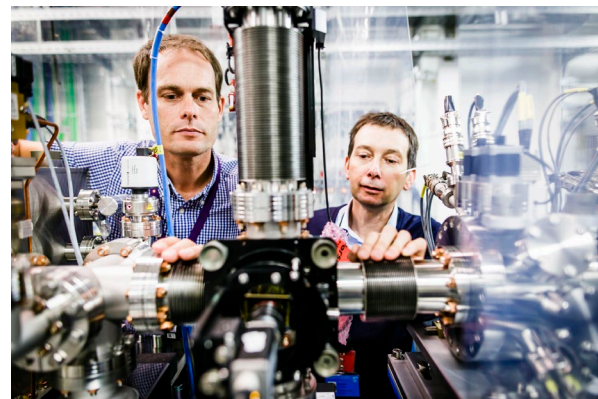
- The EU General Data Protection Regulation (GDPR) is a European Union law implemented 25 May 2018. It requires organizations to safeguard personal data and uphold the privacy rights of anyone in EU territory. See also: [https://commission.europa.eu/law/law-topic/data-protection/reform\\_en](https://commission.europa.eu/law/law-topic/data-protection/reform_en)
- Facilities, as data controllers, are responsible for compliance with GDPR
- For User Offices => presentation by Verena Grentzenberg at EUOM2022 (ELI-Beamlines) on „Challenges and experiences with GDPR compliance for User Offices“  
<https://indico.eli-laser.eu/event/11/>
- Data processing principles (compliance not intuitive...): **lawfulness, fairness, transparency, purpose limitation and, later, purpose compatibility, data minimization, accuracy, storage limitation, security.**
- Rights of data subjects: (**information, access, rectification, erasure, restriction of processing, data portability, right to object, right not to be subject to automated decisions**)
- Sanctions!



## Experience at EuXFEL User Office – start

- Start mid-2016: user processes analysis
- (Personal) data of users processed (title, name/surname, association to an affiliation, business email, birth date and place, sex, position, relation to experiment => data combined with location on certain dates...)
  - for admin purposes (e.g. communication, access rights and ID checks at the site entrance, embargo list checks, travel arrangements or reimbursement...) and
  - statistics (=> generally, data collected, processed but **anonymized** – with exceptions, e.g. *EU TNA reports*)
- Involvement by specialists (EuXFEL lawyers, legal consultants...)
- Challenges:
  - develop awareness within facility (through training & communication) and
  - readiness to give priority and invest resources, timely

1st experiments at EuXFEL,  
Sept 2017, A. Barty / H. Chapman @ SPB/SFX instrument  
(photo European XFEL)



## Experience at EuXFEL User Office - current

- Collection of users' personal data mostly via user portal => exhaustive **privacy policy** as a result of analysis **of needs, goals, processes and legal bases** (which data are collected at which stage, for which purpose and why this can be done: e.g. consent, compliance with legal obligations, performance of contract, legitimate interest...)

- Outcome

- **UPEX privacy policy 1st version early 2017**, in time for 1st call for proposals (+ update in 2020) => transparency



- **Personal Data Management Plan @ UO'**: processes, routines and protocols regarding data collection, handling, storage, recipients, anonymization and... (personal data / account) deletion!



- ▶ Still, very complex matter!

Users at the SCS instrument in 2021 (photo European XFEL)



## Mesuring scientific use @ EuXFEL (very simplified)

Institute	Lab/Department	Proposers	Country occurrences in labs/depts	Country
DESY	Photon Science	5 proposers	1 = 20%	Germany
University of Hamburg	Experimental Physics	4 proposers	1 = 20%	Germany
University of Hamburg	Theoretical Physics	1 proposer	1 = 20%	Germany
Lund University	Chemistry	3 proposers	1 = 20%	Sweden
Lund University	Physics	2 proposers	1 = 20%	Sweden
Beamtime		Germany	Sweden	
5 delivered shifts	used by	60%	40%	

- Affiliations of \*proposers\* (authors of a proposal) at the end of the last shift of the \*experiment\* are determinant
- In the calculation of the scientific use by each shareholder for defining contributions to operation budget, third countries are excluded

## EuXFEL user portal privacy policy - purposes & legal basis of data processing - example

- Example: are we allowed to collect data in order to provide information on scientific use of the facility by (their) national scientific communities to EuXFEL shareholders - and what is the legal basis?

- Promotion of scientific excellence

Purpose for processing	Legal basis for processing	Description of legitimate interest for processing if applicable
<p>To engage our funding agencies who are competent for the country in which your institute is located or if you are a citizen of the country for which the respective funding agency is competent in order to assess whether you are entitled to receive any (additional) funding or support; these agencies will receive first and last name, title, the institute you are working for, your role in a proposal (e.g. proposer or member of experiment team), whether the proposal was successful or not and in some cases your nationality</p>	<p>Legitimate interest</p>	<p>We have a legitimate interest in securing the costs of operating our facility by means of funds from funding agencies and the funding agencies have a legitimate interest in being able to fulfil their duty of providing funds for scientific purposes to those who are eligible.</p>

# User (personal) data – which data needs to be collected?

## User statistics, etc. - open exchange

### Your experience and challenges

- Users' data processing
  - Which purposes at your facility?
- Do you have a privacy policy or do you plan one?
- Which statistics do you have to report on regular basis?
  - Internal reports
  - Only to your funding agencies (including EU Commission for specific projects) or also other organizations and networks (e.g. ESFRI, LEAPS...)?
- ...

