**Summary of Data Protection Legal Bases For Processing Personal Data and Research Ethics Forms**

With reference to the legal bases for processing personal data I accord them as follows in the table:

|  |  |
| --- | --- |
| **Qualitative Research and Quantitative Research** | |
| Public Task | Public Task includes:   * Undergraduate, Postgraduate (research project e.g. dissertation and consultancy projects from 3rd parties e.g. hospitality, tourism and events organisations/industry body e.g. not paid-for and as part of studies) and PhD students * Staff general research activities. * Projects from charities, government research and Leeds Beckett are Public Interest. |
| Legitimate Interest | * Legitimate Interest includes staff and funded PhD projects that are consultancy projects/paid for projects/commercial projects from industry/projects from funding institutions |
| Consent | * Participant Information Sheet and Consent Forms will gain consent when researchers want to gain permission to use names and identifying information such as faces in photos etc.   Where Consent is needed to gain permission to use names etc. there will always be 2 Legal Bases required 1. Consent and 2 Public Task or Legitimate Interest. Statements to that effect are required in the Participant Information Sheet and Consent Form as appropriate. |

This is the document which refers to Legal basis (page 4) as per Kathryn Scully’s document

<https://www.leedsbeckett.ac.uk/-/media/files/policies/information-governance/upig_research_participant_privacy_notice.pdf> Note: this document is a click -through contained in Participant Information Sheets

**Box 1 Qualitative Research Public Task and Legitimate Interest**

|  |  |  |
| --- | --- | --- |
| **Legal Bases** | **File Name of Item** | **Comment** |
| **Public Task**  Public Interest is included in Kathryn Scully’s | V2 Public Task Item 1 Qualitative F2F or Online Participant Information Sheet  V2 Public Task Item 2 Qualitative F2F or Online F2F Consent Form  If Consent is given for Online interviews the participant will be asked to email back that they have read and understood the information in the Participant Information Sheet.  V2 Public Task Item 3 Qualitative Recruitment via Email or Facebook etc. | The majority of student and staff projects will be this Legal Basis |
| **Legitimate Interest**  Not included in the Legal basis in Kathryn Scully’s document but included in the Durham University document used as a guide | V2 Legitimate Interest Item 1 Qualitative F2F or Online Participant Information Sheet  V2 Legitimate Interest Item 2 Qualitative F2F or Online F2F Consent Form  If Consent is given Online the participant will be asked to email back that they have read and understood the information in the Participant Information Sheet.  V2 Legitimate Interest Item 3 Qualitative Recruitment via Email or Facebook etc. | See yellow highlighted sections – these show differences to the text in the above items 1, 2 and 3 for Legal Basis Public Task |
| **Legal Basis Consent**  Included in Kathryn Scully’s document but we would ask for consent to use names/photographs with faces etc. if required as part of Public Task or Legitimate Interest |  |  |

Box 2 **Quantitative Research**

**Note: Quantitative Research A can be done online where personal data IS NOT collected, and B personal data IS collected and used**

|  |  |  |
| --- | --- | --- |
| **Legal Bases** | **File Name of Item** | **Comment** |
| **Public Task A where personal data is collected**  Public Interest is included in Kathryn Scully’s | V2 Item 1a *Public Task* Quantitative Online Survey Participant Information Sheet where personal data is NOT collected - which is also the Consent Form because 2 questions are asked which must be answered yes  Q1 I am aged 18 years or over  Q2 I have read and understood Participant Information Sheet  No separate Consent Form needed  V2 Item 2 Public Task Recruitment via Email or Facebook etc. | The majority of student and staff projects will be this Legal Basis |
| **Legitimate Interest A**  Not included in the Legal basis in Kathryn Scully’s document but included in the Durham University document used as a guide | V2 Item 1a *Legitimate interest* Quantitative Participant Information Sheet where personal data is NOT collected -  which is also the Consent Form because 2 questions are asked which must be answered yes  Q1 I am aged 18 years or over  Q2 I have read and understood Participant Information Sheet  V2 Item 2 Public Interest Recruitment Email or Facebook etc. | See yellow highlighted sections – these show differences to the text in the above items 1, 2 and 3 for Legal Basis Public Task |
| **Legal Basis Consent B**  Included in Kathryn Scully’s document but we would ask for consent to use names/photographs with faces etc. if required as part of Public Task or Legitimate Interest |  |  |