

# Data Protection and Records Management at EMBL

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Data Protection at EMBL: Why Have a Specific Framework?

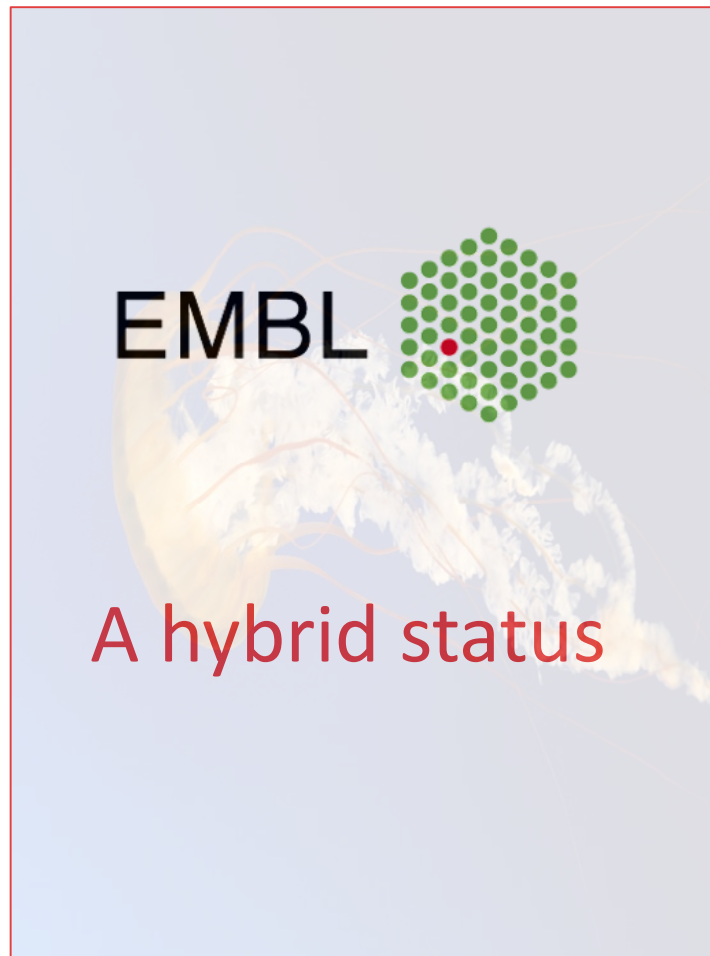
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A Few Words About Records Management at EMBL

3

Data Protection and Records Management

# EMBL's specific status and its impact on Data Protection



## An international organisation...

- Established by Treaty with 26 State Members in 1974
- Privileges and Immunities
  - inviolability: premises, files (staff and representatives's official files and documents), and archives
  - Exemption of national jurisdictions
  - Exemption of applicability of national laws

## ... and a scientific institution

- Promoting cooperation among European States in fundamental research
  - Data transfer: a key component for scientific work
  - As a scientific organisation, EMBL processes:
    - Human biological materials (e.g. genetic data and data concerning health: blood, tissues, biopsies, cells, etc.) as well as the analysis of data derived from these materials
- But also personal data of:
- External scientists (visitors using EMBL scientific facilities, attendees of workshops, courses and
  - conferences)
  - ... besides other personal data usually processed within the organisation

EMBL



A scientific  
organisation with an  
inter-governmental  
status

## Consequence:

Exemption from GDPR:

- Although physically located in Europe, having strong ties with European scientific community (data transfers) and receiving EU fundings, EMBL does not belong to the EU system
- Specificity of scientific and organisation activities engaged EMBL to define its own data protection framework,
  - to reach a level of data protection inspired by GDPR...
  - ... while respecting EMBL's privileges and immunities

# Why have EMBL's Own Data Protection Framework (IP68)?

- Data protection is a fundamental human right

- Safeguards are needed for:

## → ensuring EMBL's scientific collaboration worldwide

GDPR, Chap. 5: EU insiders are allowed to transfer personal data to third countries or international organisations who can demonstrate that safeguards are in place

- demonstrate compliance with data protection principles to external scientific collaborators
- ensuring EMBL stakeholders (incl. funders) that we comply with data protection principles

## → ensuring data subjects' rights

EMBL framework aims at preventing risks e.g.:

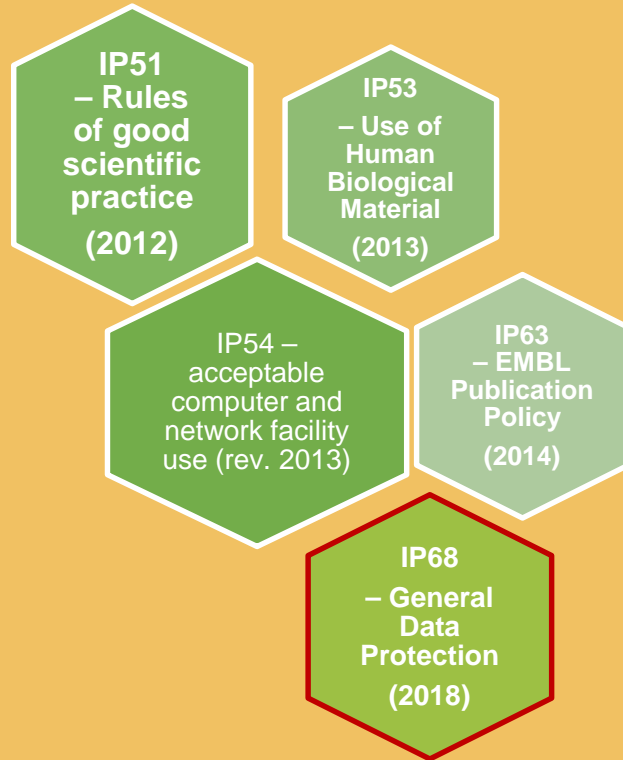
- Fairness and legitimate purpose (e.g. during staff recruitment)
- Identity theft or fraud (e.g. hacker steals credit card data)
- Financial loss (e.g. allowance denied due to outdated HR record)
- Damage to reputation
- Data breach (e.g. medical data)
- Unauthorised reversal of pseudonymisation (e.g. genetic data)

## → ... while maintaining EMBL privileges and immunities

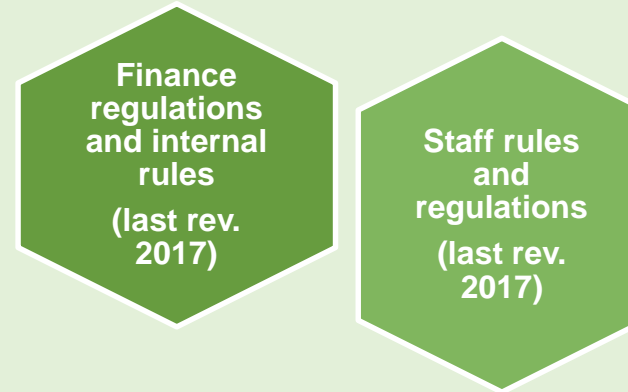


# EMBL's Data Management Internal Framework

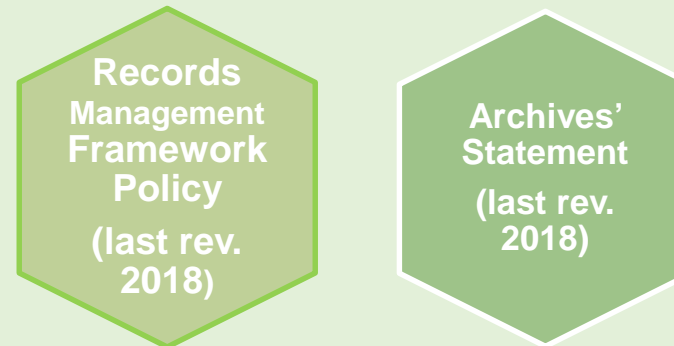
## Internal Policies



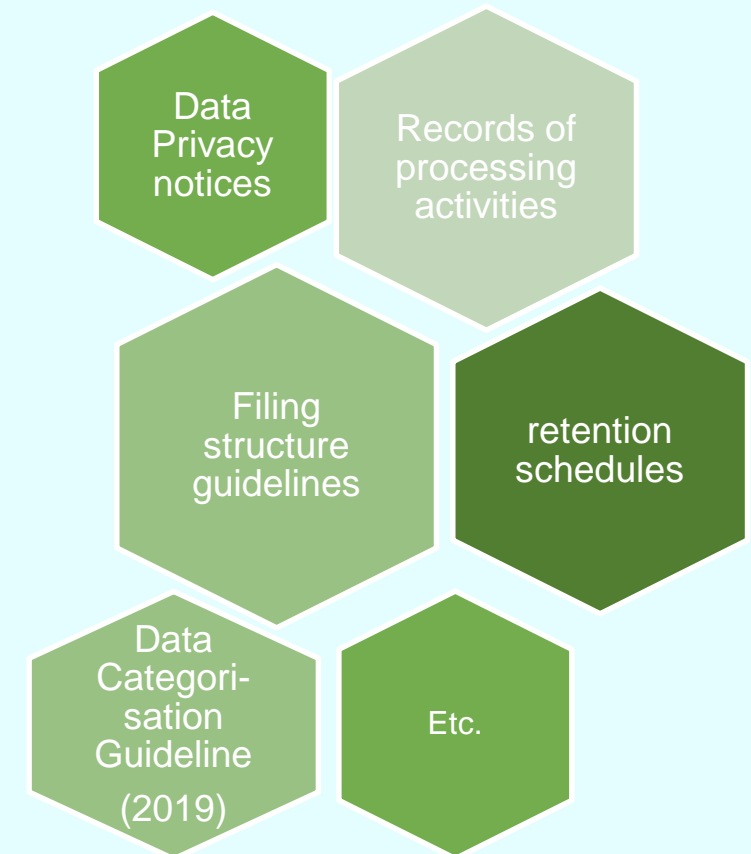
## Internal Rules and Regulations



## More specific frameworks



## Documents, Tools and Guidelines



# Data Protection: project's timeline and governance

- **2016:** Task force (IT, Legal Services) on Data Protection
  - **June 2017:** a DP. project officer is recruited, project launched
  - **Autumn 2017:** project plan is endorsed by Steering Committee
  - **January 2018:** draft of Internal Policy no. 68 on Data Protection is discussed within Working Group
- **Steering Committee:** Administrative Director (project owner), 2 high level scientists, Heads of IT (HD/EBI), Deputy Head of Legal services
- **Working Group:** IT engineers (2), Records Manager (1), HR Manager (1), Grants Officer (1), System Engineer (Finance) (1), Courses and Conferences Managers (2).
- **May 2018:** Data Protection Internal Policy (IP no. 68) is approved by Director General and official statement made available on EMBL website ([link](#))
  - **From June 2018:**
    - Steering Committee started setting-up of a supervisory authority: **Data Protection Committee**
    - **Data Protection Officer** is appointed (independent function)
    - **Data Protection Coordinator** (under Administrative Director)
    - DPO and DP. Coordinator started advising controllers on formalising/optimising critical personal data processing activities

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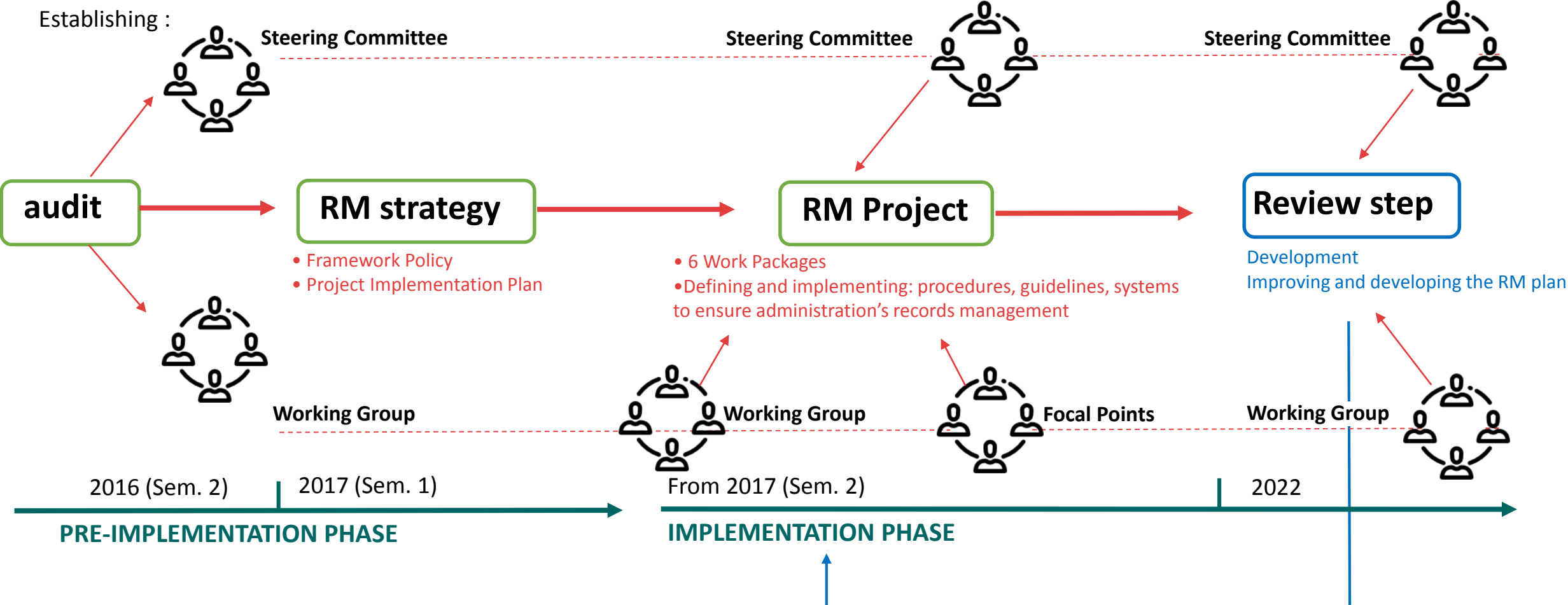


# Creating the Records Management Function at EMBL (1/2)

- A new function (2016)
- Developing and overseeing the implementation of a records management plan for the organisation's administration
- Project's scope:
  - Under the Administrative Director's direct supervision
  - EMBL Administration (14 units, 6 sites located on 5 countries: Germany, France, Italie, UK and Spain)
  - Initial focus: Heidelberg (from 2017), the 5 other Sites from 2018 onwards
  - Establishing rules and procedures for managing authentic and reliable records over their lifecycle (P/E)
  - Digital RM: accompanying change from current existing EDMS to EDRMS (P/E)
  - Approach: project management
- References: international standards, DIRKS methodology, benchmark with other international organisations... adapted to EMBL's context



# Creating the Records Management Function at EMBL (2/2)



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## Personal Data and Administrative Records

- In an administration's records, personal data are numerous: they are processed as part of almost all administrative processes
- In 2017-2018, retention schedules project: approx. 400 main records types and associated processes were identified, approx. 250 of them relate to personal data
- Personal data are more and more collected and stored on electronic mediums, which raises specific constraints
- Staff's personal data: under EMBL's framework (IP no. 68) but EMBL also handles data from EU individuals (visitors, applicants to jobs)
  - Critical to demonstrate EMBL commitment to comply to data protection principles

# Personal Data Principles and Records Management

## IP 68 substantive provisions

- Clear definition of roles on data processing
- Notion of data quality:
  - **storage limitation**
  - Legal basis (consent or other)
  - **Transparency**
  - Purpose limitation
  - Data minimisation
  - **Accountability**
  - **Accuracy**
  - **Integrity and confidentiality**

## Records Management

- RM Framework Policy defining data stakeholders' roles
- **Data retention:** defining our own framework of retention policies, taking into account EMBL 5 host countries' requirements + IP68 + our grant funders' requirements
- **Transparency:** a key objective of records management is to ensure sustainable and transparent processes: in the way data is processed, but also on the functioning of an organisation
- **Accountability**
- **Accuracy**
- **Integrity and confidentiality**

ISO 15489:2016

# Impact on Records Management: initiatives

## Collaboration with DPO and DP. Coordinator

- Cross-contributions in Data Protection's and Records Management's Working Groups
- Role of DPO and DP. Coordinator in the **retention schedules' project** (2017-2018): assessing retention rules from personal data's perspective as well and ensuring that the rules of destruction are compliant to data protection's principles
- IP68: notion of recordkeeping (transparency, accuracy and accountability):
  - **Record of Personal Data Processing Activities**: identification of types of records; description of activities; information for data subjects; retention periods (also specified in **Data Privacy Notices**)
  - partially covered as part of retention schedules' project
- **Data Categorisation Guideline** (2019) (RM, IT) (accountability, transparency, confidentiality): defining levels of sensitivity for each data type received or produced at EMBL, with impact on storage and security measures, pre-defined metadata according to level of sensitivity
- **EDRMS project** (RM, HR, IT) (storage and data minimisation, transparency, accuracy, accountability, integrity and confidentiality): ensuring that features enabling Data Protection are represented

# Conclusion

## Data Protection and Records Management: two complementary fields

- GDPR provided a momentum for data management in general
- Convergence of concepts
- Compelling force of data protection, which can be useful to enforce records management's initiatives, e.g.:
  - identification of personal data and processes
  - positive impact on the retention schedules project
  - enhanced security: impulse of Data Categorisation Guideline and redefined of access rights for our information systems



# Thank you for your attention

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