

**Privacy Notice for Special Categories of Personal Data Collected for Human Subjects Research**

**Summary**

Pursuant to EU and UK data protection laws, the Georgia Institute of Technology (“**Georgia Tech**”) [**Note to Drafter:** If the study is conducted jointly with an EU or UK based organization that is actively involved in deciding what personal data will be collected and/or how it will be used in the study, then PI to (1) add the name of the EU or UK organization and (2) ensure the proper Data Sharing Agreement has been executed -- **do not include** any organization that is **not involved** in deciding what personal data will be collected and how it will be used)] must provide you with information relating to how it will process your personal data as a participant in the research project administered by the College of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Principal Investigator \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (the “**PI**”), Research Title \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Research Protocol No. \_\_\_\_\_\_\_\_\_\_\_\_\_ (collectively, the “**Research Project**”).

The purpose of the Research Project is to [INSERT…].

**Data Controller**

Personal data is any information that identifies you directly or indirectly, such as your name, email address and phone number and your Research Project participant number. Georgia Tech will be the controller of your personal data. This means that Georgia Tech will be responsible for decisions taken regarding how and why your personal data is processed.

Georgia Tech is an institution of higher education involved in education, research, and community development. In order for Georgia Tech to conduct human subjects research, it must collect, use and process personal data related to the participants in the Research Project.

**Types of Personal Data Collected**

In order for Georgia Tech **[**and insert the name of the EU/UK organization listed in the **Summary,** if applicable**]** and the PI to conduct the Research Project, the following categories of personal data may be collected: [**Note to Drafter**: These are examples only. Please add or delete as necessary.]

* Image
* Name
* Contact information including, without limitation, email address, physical address, phone number, and other location data
* Information you might provide as part of an interview, or when responding to a questionnaire, including for example, information on your opinions, preferences, likes and dislikes
* Unique personal identifiers and biographical information (e.g. date of birth)
* Photographs [or videos] of you and your likeness as it appears in such photographs [or videos]
* Your reactions as they might be captured in photographs [or videos] and emotions as they might be deduced from photographs [or videos]
* Information related to visa requirements, copies of passports and other documents to ensure compliance with applicable laws
* Details of your education and/or employment qualifications
* Medical information including, without limitation, medical records and data concerning health, including genetic or biometric data
* Data revealing religious or philosophical beliefs, political opinions, or trade union membership
* Data revealing racial or ethnic origin
* Genetic or biometric data
* Information concerning your sex life or sexual orientation

Some of the data we might process about you is considered ‘special category data’. Special category data includes biometric data, genetic data, information about your health and sex life or orientation and any information that reveals your racial or ethnic origin, religious, political or philosophical beliefs and trade union membership information.

For example, we might process special category data about you if you complete a form, email us or otherwise share with us any information concerning your religious or political beliefs or information relating to your ethnicity. We might process biometric data about you as part of processing photographs of you taken during the course of the Research Project (but only if we apply specific technical processing to the photographs of you such as to create an individual digital profile of you that we use for automated image matching).

**Purposes and Lawful Bases for Collecting and Processing of Personal Data**

**Facilitating the Research Project:** Georgia Tech **[**and insert the name of the EU/UK organization listed in the **Summary,** if applicable**]** will mainly use your information to facilitate the running of the Research Project and your participation in the Research Project.

As part of the Research Project, Georgia Tech **[**and insert the name of the EU/UK organization listed in the **Summary,** if applicable**]** might review and analyze your personal data and create profiles about you and other Research Project participants. The information you provide during the Research Project, or any profiles created about you might be compared to information provided by and profiles created about other participants. We might make observations and deduce information from the personal data you provide to us.

Our lawful basis for collecting and otherwise processing your personal data for you to enroll and take part in the Research Project would be the performance of steps prior to entering into a contract with you and for the purposes of administering the contract we have with you, namely, the Research Project participation terms you sign up to.

We might also process your personal data as part of running the Research Project for our legitimate interests, such as brand recognition, including the reputational benefits of publishing the results of the Research Project.

Our lawful bases for the processing of your special category data in the course of running the Research project will be your consent and explicit consent.

**You can withdraw your consent at any time. Please note that the withdrawal of your consent will not, however, affect, the lawfulness of the processing of your data carried out up until the withdrawal of your consent.**

**Safety Reporting and Inspection Compliance:** In addition, we may process your personal data to comply with our legal obligations related to safety reporting or an inspection by a competent authority, including such authorities listed in the table under the section entitled **Sources of Data and Data Transfers to Third Parties.**

**Other purposes:**

We might process your personal data in accordance with our legitimate interests in bringing and defending ourselves against legal claims. If your special category data is processed as part of establishing, exercising or defending legal claims, such establishment, exercise or defense of legal claims will also be the lawful basis for the processing.

[Note to Drafter: Delete this paragraph if research study subjects do not include Georgia Tech students.] Georgia Tech may also disclose certain personal information connected to your participation in the Research Project under FERPA. The Family Educational Rights and Privacy Act (FERPA) provides that “Directory Information” is information not generally considered harmful or an invasion of privacy if disclosed. Directory Information is considered public information, but the categories of information that comprise Directory Information also comprise “personal data” under the GDPR (inter alia name, address, telephone number, date and place of birth). The lawful basis for this disclosure is our legitimate interest in increasing awareness on the activities carried out by Georgia Tech for brand recognition purposes. Please review [Georgia Tech's Annual Notice of Directory Information Contents](https://catalog.gatech.edu/policies/ferpa/) for further information, including how to object to the release of Directory Information.

**Refusal to Provide Personal Data**

If you refuse to provide personal data that is required by Georgia Tech **[**and insert the name of the EU/UK organization listed in the **Summary,** if applicable**]** in connection with one of Georgia Tech’s **[**and insert the name of the EU/UK organization listed in the **Summary,** if applicable**]** lawful bases to collect such personal data, such refusal might not allow you to take part or continued taking part in the Research Project.

**Sources of Data and Data Transfers to Third Parties**

We will primarily receive personal data about you directly from you. For example, when you complete a form in which you provide details about you and as part of you taking part in the Research Project.

We may also collect and share personal data with service providers who help us recruit participants and facilitate the Research Project such as Prolifics and Amazon and operating applications which help us run the Research Project such as Zoom, Microsoft (Microsoft Teams), Meta (WhatsApp) and Box.

Additionally, the personal data collected for the Research Project might be shared with the (a) U.S. Federal Food and Drug Administration; (b) U.S. Office of Human Research Protection and (c) Board of Regents of the University System of Georgia (the “BOR”) so they may exercise governance and oversight over Georgia Tech’s activities in compliance with U.S. federal and state law. **Note to Drafter**: If, the personal data of the participants in this study may be shared with other third parties not listed under the **Summary** or this **Sources of Data and Data transfers to Third Parties,** please contact the Privacy team at [privacy@gatech.edu] to confirm the lawful basis for sharing the information with such third parties. A third party is an individual or entity other than the participant or Georgia Tech who is a recipient/processor of the personal data, including those who have ability to access or view the personal data (e.g., other higher education institutions, non-profit/for profit organization, governmental agencies, etc).

**International Transfers of Personal Data**

Some of the above service providers and institutions may be located in countries, such as the United States, that do not recognize a level of privacy protection equivalent to that in the EEA. Please do not take part in the Research Project if this is unacceptable to you.

**Individual Data Subject Rights**

You have the following rights with respect to your personal data, which apply differently in different circumstances: right of access, right to rectification, right to erasure, right to restriction of processing, right to data portability, and you also have the right to object to processing and to be informed.

Please see below for a brief description of each of these rights.

Access: Upon request, you are entitled to confirmation that we process your personal data and to receive a copy of your personal data.

Rectification: If the personal data we hold about you is incorrect, you have the right for it to be rectified.

Erasure: You can request us to erase your personal data including when there is no compelling reason for us to continue processing it, if (a) we rely on your consent for the processing of your personal data and you withdraw your consent; (b) we rely on legitimate interests for the processing and there are no overriding legitimate interests to continue the processing; (c) we have to erase the information to comply with a legal obligation; or (d) we have processed the information unlawfully.

Restriction: You may request a restriction on the processing we undertake on your personal data. This right will only apply if (a) you contest the accuracy of your personal data; (b) the data has been unlawfully processed and you oppose erasure and request restriction instead; or (c) we no longer need the personal data, but you need us to keep it in order to establish, exercise or defend a legal claim.

Objection: You may object to our processing of your personal data if our processing is carried out on the basis of our legitimate interests. Please note, however, that should we determine that our interests are so compelling as to override your objection we may continue to process your personal data.

Portability: You may have the right to receive some of your personal data in machine readable format. This right allows you to request that such data be sent to a third-party controller.

Withdrawing consent: If the lawful basis we rely on to process your personal data is consent, you have the right to withdraw this consent. Please email the PI at [INSERT name and contact information of PI as listed in the GDPR consent form] to withdraw consent for the processing of your personal data.

To withdraw your consent for the processing of your personal data by a third party, please contact the relevant organization.

Your right to be informed: You can contact us to find out more or to ask any questions you may have about our use of your personal data.

**Note: Exercising of these rights is a guarantee to be afforded a process and not the guarantee of an outcome.**

Any data subject who wishes to exercise any of the above-mentioned rights may do so by filing such request with the PI at [INSERT name and contact information of PI as listed in the GDPR consent form].

You also have the right to lodge a complaint with the competent local Data Protection Supervisory Authority. [**Note to Drafter:** INSERT the following sentence **only if** Research Project involves participants located in the UK. Otherwise, **DO NOT** include. In the UK, this is the Information Commissioner’s Office (https://ico.org.uk/global/contact-us/).]

**[Note to Drafter: INSERT** the following language about Cookies **only if** this privacy notice will be made available on the website where Georgia Tech has also uploaded the referenced cookie notice**.** Otherwise**, DO NOT** include this statement about cookies.

**Cookies**

Cookies are files that many websites transfer to users’ web browsers to enable the site to deliver personalized services or to provide persistent authentication. For information related to how Georgia Tech uses cookies, refer to Georgia Tech’s [Privacy and Legal Notice](https://www.gatech.edu/privacy).**]**

**Security of Personal Data Subject to the GDPR**

All personal data and special categories of personal data collected or processed by Georgia Tech [and Insert name of the EU or UK organization, if applicable] must comply with the security controls and systems and process requirements and standards of NIST Special Publication 800-171 as set forth in the [Georgia Tech Controlled Unclassified Information Policy](https://policylibrary.gatech.edu/information-technology/controlled-unclassified-information).

**Georgia Open Records Act**

As a state university, Georgia Tech is subject to the provisions of the [Georgia Open Records Act](https://law.georgia.gov/key-issues/open-government/law) (ORA). Except for those records that are exempt from disclosure under the ORA, the ORA provides that all citizens are entitled to view the records of state agencies on request and to make copies for a fee. **The ORA requires that Georgia Tech produce public documents within three business days. For more information on Georgia Tech’s ORA compliance, please visit the** [Open Records Act page on the Legal Affairs website](http://www.legal.gatech.edu/open-records-act)**.**

# Data Retention

Georgia Tech follows the data retention guidelines referenced in the [University System of Georgia Records Retention Schedules](https://www.usg.edu/records_management/schedules/). **[Note to Drafter:** If Georgia Tech is conducting this study jointly with an EU/UK organization as specified in the **Summary,** delete the previous sentence.]

INSERT below the retention period that the data will be held .

**Note to Drafter:** While it may be determined that the conclusions of the study and all non-personal data may be held indefinitely or permanently, **UNDER NO CIRCUMSTANCES** should the retention period for the personal data be indefinite or permanent**]**:

Personal data collected in this study will be held for [insert retention period].

If you have specific questions regarding the collection and use of your personal data, please contact the Principal Investigator at [INSERT name and contact information of PI as listed in the GDPR consent form].

For more information regarding these EU and UK data protection regulations, please review Georgia Tech’s [EU General](http://www.policylibrary.gatech.edu/legal/eu-general-data-protection-regulation-compliance-policy) Data Protection Regulation Compliance Policy and/or the [ICO Guide to Data Protection Principles](https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/data-protection-principles/a-guide-to-the-data-protection-principles/)[.](http://www.policylibrary.gatech.edu/legal/eu-general-data-protection-regulation-compliance-policy)