Information Sheet on Data Protection

BASE II
Berlin Aging Study II

For the attention of all users of BASE-II data

Charité Universitätsmedizin – Berlin
Humboldt-Universität zu Berlin
Max Planck Institute for Human Development
German Socio-Economic Panel
Universität zu Lübeck
Universität Tübingen

Data Protection Requirements Relating to the Use of BASE-II Data
Appendix to the Data Transfer Contract

Berlin, June 2018

Dear Sir/Madam,

The BASE-II data you will be receiving in line with the data transfer contract are of a sensitive nature. The provisions of the European General Data Protection Regulation (GDPR) and the German Federal Data Protection Act (BDSG) are to be followed by all data users, including those located outside Germany. I am therefore writing to you to request that the following guidelines be observed:

Please ensure that suitable technical and organizational measures are in place to prevent unauthorized access of the data. The following measures should be implemented at the very least:

- The original data storage medium and any back-up copies must be stored under lock and key.
- The materials describing the contents of the data must be stored safely and separately from the data storage medium.
- Access to data processing equipment should be restricted to authorized persons.
- Access to the data should be protected via regularly updated passwords.
- Remote data processing should not be permitted.
- Data should not be passed on to unauthorized persons.
- Authorized persons should be obliged to follow data protection regulations (an example written declaration to this end has been included with this letter).

Please ensure that the storage regulations relating to the BASE-II data you have been provided with are documented in a data protection policy that is to be signed by your institution's data protection officer. The following information must be contained within this policy:

1. *Confidentiality (Art. 32, para. 1, letter b) General Data Protection Regulation)*

Protection against physical access: What measures have been taken to ensure that unauthorized persons are not admitted to the premises where data processing systems on which personal data are processed/used are housed? Including a description of the location and type of computer where the data are to be stored.

Monitoring of physical access to systems: What measures have been taken to prevent unauthorized persons from being able to use the data processing systems? Including information about procedures to ensure regular password changes as well as information about procedures to prevent the data from being used on other computers (including on

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home PCs)

Monitoring of electronic access: What measures have been taken to ensure that persons authorized to use a data processing system are only able to access the data covered by their user authorization, and that personal data cannot be read, copied, modified or removed in an unauthorized manner during processing/use or after the data have been saved? Including information about who will be working with the data.

Separation control: What measures has the processor taken to ensure that the controller's data are kept separate from other stored data?

2. Integrity (Art. 32, para. 1, letter b) General Data Protection Regulation)

Monitoring of data transfer: What measures have been taken to ensure that during electronic transfer or physical transport or storage on data media, personal data cannot be read, copied, modified or removed by unauthorized persons, and that it is possible to check and determine the destination to which personal data will be sent via data transfer systems?

Monitoring of data entry: What measures have been taken to ensure that it is possible to retroactively check and determine whether and by whom personal data have been entered into, modified in or removed from data processing systems?

3. Operational continuity and resilience (Art. 32, para. 1, letter b) General Data Protection Regulation)

Operational continuity management: What measures have been taken to ensure that personal data are protected against accidental destruction or loss?

4. Control of processing instructions (Art. 28, para. 3, letter b) General Data Protection Regulation)

Control of processing instructions: The processor must ensure that all of their employees involved are aware of the applicable data protection provisions before commencing their activities. This includes, in particular, ensuring that they are aware of the controller's instructions concerning the provision of services as set forth in the [description of services/specifications documents/contract].

5. A process for regular testing, assessment and evaluation (Art. 32, para. 1, letter d) General Data Protection Regulation, Art. 25, para. 1 General Data Protection Regulation)

Description of the internal/external audits and management evaluation

Additional security measures may also be necessary if highly sensitive data are to be used. Please contact the BASE-II coordinator to this end (Dr. Katrin Schaar, schaar@mpib-berlin.mpg.de)

You have been granted access to the BASE-II data for one particular research project. If you would like to make use of the data for a new research project, this can usually be arranged by informing the BASE-II coordinator with suitable advance warning, that is, before work on the research in question commences. If you are in any doubt as to whether the new project is still in keeping with the existing contract, please double check with the BASE-II coordinator. Please note that you may only use the BASE-II data for your own academic research and not for any evaluations or reports, whether paid or unpaid.

The data transfer contract restricts use of the data to the research project indicated with respect to content as well as to you and the people stipulated in the application as data users.

You are responsible for informing BASE-II should any additional users require access to the data and for only allowing any such users access to the data once they have agreed to the conditions of data use in line with your contract and submitted a data projection declaration to BASE-II to this end.
You are responsible for ensuring that any additional data users delete their data set upon completion of their research work.

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Once the research work for which you have used the BASE-II data is complete, the data you were provided with are to be deleted in line with the contract, including any potential backup copies, data extractions or help data files. In case the data need to be stored for a longer period, (e.g. 7 or 10 years) after publication because of requirements from journals or funding organizations, data have to be destroyed after this period. Please inform the BASE-II coordinator once this has occurred.

The transfer of user rights to you also ends if you leave the institution you are currently affiliated with. If you move to a different university for example and would like to continue working with the BASE-II data there, you must inform BASE-II via the coordinator. The pre-requisite for continued use of the data is written confirmation that the data has been deleted at your former institution. Please make sure to inform the BASE-II coordinator that you are leaving your previous institution without having to be instructed to do so.

We would like to emphasize the importance of following these guidelines. Strict adherence to legal data protection provisions is not just required by law, but is also in the general interest of research. An ongoing survey such as BASE-II is all the more dependent on adherence to the legal data protection requirements being maintained.

Yours sincerely,

On behalf of the BASE-II Steering Committee

Prof. Dr. Denis Gerstorf, June 2018

The BASE-II contract draws to a large extent on the standards and templates of the DIW/SOEP as far as its application documentation is concerned. BASE-II would like to express its gratitude for their being made available to this end.