HEADSTART

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#21

THE IMPACT OF GDPR AND THE UNCRC ON CONDUCTING RESEARCH IN SCHOOLS: CONSIDERATIONS FOR SCHOOL PRINCIPALS

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#Practical question for which this card offers SUGGESTIONS:
What data handling procedures are necessary to create a legally compliant school environment?

The General Data Protection Regulation (GDPR) and the UN Convention on the Rights of the Child (UNCRC) impose specific legal and ethical requirements on research conducted in school settings that goes beyond the general obligations related to data processing (see 20# HEADstart on that). School leaders play a critical role in ensuring that research involving children aligns with both legal frameworks and ethical principles. This HEADSTART explores the impact of GDPR and UNCRC on school-based research, highlighting consent procedures, data protection measures, and ethical considerations.

Key GDPR considerations for school-based research

GDPR sets stringent regulations regarding the collection, storage, and processing of personal data, particularly when research involves minors. Schools must ensure compliance with the following principles:

1. **Legal basis for data collection:**
   - Research involving children must establish a clear legal basis for data processing. Typically, this falls under **explicit consent** when research is conducted for educational improvement. In some rare cases, it can fall under public interest.
   - If special category data (e.g., health information, ethnicity, biometric data) is involved, additional safeguards must be implemented.
2. **Data minimization**
   - Schools must ensure that only necessary data is collected for the research purpose. Unnecessary personal data collection should be avoided while researchers tend to try collecting data that is considered nice-to-have. This requires careful research design to identify necessary data categories.
3. **Secure data storage and anonymization:**
   - Research data should be stored securely, with access limited to authorized personnel.
   - Whenever possible, personal data should be anonymized or pseudonymized to protect children's identities.
4. **Data retention and deletion policies:**
   - Schools should establish policies for data retention and timely deletion of research data in compliance with GDPR.
   - In case the school is not doing the research internally, they have to make sure these elements of the research are handled properly and transparently for the school and participants.

The role of UNCRC in school-based research

The UNCRC recognizes children as rights-holders and mandates their protection in all research activities. Key provisions affecting school-based research include:

1. **Right to privacy (Article 16):**
   - Schools must safeguard children's privacy and prevent unauthorized data access during research projects.
2. **Right to express views (Article 12):**
   - Children should have the opportunity to provide input on whether they wish to participate in research. Their perspectives should be respected, even if parental consent has been obtained. Thus, good practice is to either obtain consent by the child and parent at the same time or seek parental consent after the child has expressed their wish to participate.
3. **Best Interests of the child (Article 3):**
   - School leaders must ensure that research does not place undue burden or harm on students and that participation is genuinely voluntary.

Active consent ensuring ethical participation in research

Active consent from both the child and their legal guardian is a fundamental requirement for ethical school-based research. This process ensures that children and their guardians understand and voluntarily agree to participation.

1. **Dual consent process:**
- **Transparency and information provision:** Researchers must provide clear, age-appropriate explanations to children and their guardians about the research purpose, methods, data use, and their rights.Schools should ensure that research information sheets and consent forms are written in accessible language taking age, education levels, and the languages best understood by parents and children into consideration.Schools need to ensure that children and parents can ask questions from the researchers for understanding and clarification.
- **Parental consent:** Schools should obtain informed consent from parents or guardians before research involving minors.
- **Child assent/consent:** Children should provide their own assent/consent in a developmentally appropriate manner. They must be given the opportunity to decline participation.

2. **Key features of ethical consent forms:**
- Clear explanation of the research purpose, procedures, potential risks, and benefits in easy-to understand language (in other languages if necessary).
- Assurance that participation is voluntary, and that withdrawal is possible without consequences.
- Contact information for researchers, school authorities for any inquiries, and actors (e.g. helplines) to seek support from in case of adverse effects.

3. **Ongoing consent and right to withdraw:**
- Schools must allow children to withdraw from research at any time, even if parental consent was given.
- Researchers should check in periodically with participants to ensure continued willingness to engage in the study.

School leaders' responsibilities in research oversight

School principals serve as gatekeepers in research approval and oversight. To uphold ethical and legal standards, they should:

1. **Review and approve research proposals:**
- Ensure that research conducted in schools aligns with GDPR, UNCRC, other relevant legislation, international and national research standards, and institutional ethical standards.
- Require an ethics review process before granting approval.

2. **Implement staff training on research ethics:**
- Teachers and staff involved in research should receive training on ethical considerations, data protection, and obtaining informed consent.
- In case teachers or other school staff plays an active role in research as researchers (e.g. collecting data in the form of surveys), they need to also receive training in conducting research, accidental findings policy and action, and ethical and neutral researcher behaviour

2. **Monitor research activities:**
- Establish procedures to oversee data collection, ensuring researchers adhere to consent and data protection guidelines.
- Address concerns or complaints from students and parents promptly.

3. **Ensure equitable participation:**
- Prevent coercion by ensuring children and families do not feel pressured to participate.
- Protect vulnerable students from potential exploitation or distress caused by research participation.

Managing data sharing and publication of research findings

When research findings are published, school leaders must ensure that students' privacy is safeguarded. Best practices include:

1. **Anonymization of data:**
- Research findings should not include identifying details of students unless explicit permission is granted.

2. **Parental and student review:**
- If direct quotations, images, or identifiable case studies are used, participants should have the opportunity to review and approve their inclusion.

3. **Use of secure research platforms:**
- Data should be stored and processed using platforms and safe storage places compliant with GDPR regulations to prevent unauthorized access.

Addressing challenges in conducting research in schools

Despite careful planning, school-based research presents challenges. Common issues and their solutions include:

1. Low participation rates:
Solution: Simplify processes, ensure that participation is not a major extra burden on students (and staff) and provide clear incentives for participation, such as contributing to school improvement.

2. Data breach risks:
Solution: Ensure robust data security measures and train researchers on GDPR compliance. In case a data breach happens, be transparent and seek support from data protection authorities.

3. Children's limited understanding of research:
Solution: Use age-appropriate materials and interactive explanations to support comprehension.

School leaders can foster a research-friendly environment while upholding legal and ethical standards. Ultimately, protecting children's data and autonomy enhances the credibility and ethical integrity of educational research.