DANS Privacy Regulations

About DANS:
DANS is the national organisation responsible for storing and providing permanent access to research data from the humanities and social sciences. To this end DANS collaborates with researchers and encourages them to work in partnership with one another. DANS operates as a network, with a centre responsible for organising the data infrastructure.

DANS is an institution of the Royal Netherlands Academy of Arts and Sciences (Koninklijke Nederlandse Akademie van Wetenschappen) and the Netherlands Organization for Scientific Research (Nederlandse Organisatie voor Wetenschappelijk Onderzoek) which has its headquarters in The Hague (Postal address: P.O. Box 93067, 2509 AB Den Haag). For more information please visit the DANS website: www.dans.knaw.nl.

DANS activities:
DANS archives and disseminates research data from the humanities and social sciences. To this end, DANS negotiates (licence and user) agreements with persons and/or institutions who wish to provide their research data to or via DANS, or who wish to utilise the research data archived at DANS. Datasets that are deposited with DANS are archived in accordance with the specification of the licensor and DANS does not, in principle, introduce any amendments in the content of the datasets that are deposited with it. Use(r) restrictions may apply to certain datasets.

These regulations:
These regulations describe the manner in which DANS processes the personal data in its possession.

Concept definitions:
The following concept definitions are used in these regulations:

– Personal data: each piece of information regarding an identified or identifiable natural person
– Processing of personal data: each action or each part of an action regarding personal data including collecting, recording, organising, storing, amending, requesting, using, providing via transfer, distribution in any other form, combining, relating to each other, as well as restricting access, deleting or destruction of such data.
– Concerned party: the natural person whose personal data is being processed;
– Dataset: a digital data file;
– Licensor: the natural person or institution who owns the rights to a dataset and who has granted a (non-exclusive) licence agreement to DANS (Termed “the depositor” in the DANS licence agreement).
– User: the natural person or institution who utilises a DANS dataset and who has entered into a user agreement with DANS.
– Third Parties: the natural person, not being licensor or user.
Processing of personal data by DANS:

- Licensor data:
In order to gain access to digital datasets to archive and/or to make accessible to third parties, DANS utilises (non-exclusive) licence agreements with parties with copyrights for datasets, hereinafter referred to as: the licensor. The personal data of the licensor are registered by DANS and further processed in accordance with the user agreement and for the benefit of proprietary analyses for internal use. (Only) the name of the licensor and/or the licensing institution is provided along with the dataset concerned. Dataset users are expected to cite the data of the licensor/licensing institution in their publications if the data has been used by them.

- User data:
Persons and/or institutions who wish to access the digital datasets conclude a user agreement with DANS and are registered as a user by DANS. The personal data of the user shall be further processed by DANS in accordance with the user agreement and for the benefit of proprietary analyses for internal use. A part of the user agreement is that user operations such as requesting, copying or downloading of a dataset are registered by DANS. Other licensors and users registered with DANS have access to this registration via the DANS website (DANS EASY), unless the user has indicated via an opt-out, prior to the user operation(s), that it objects to the further disclosure of this/these operation(s).

- Third party personal data:
In case of a non-anonymous research file that results in a dataset that contains personal data of third parties, upon indication by the licensor, the dataset shall not be made freely accessible via the DANS website (DANS EASY). DANS, however, considers it in the interest of science that these datasets are also centrally archived and are made accessible for other scientists and scholars. The special access “Restricted Access” category applies to non-anonymous datasets.

Datasets that contain personal data and that are only accessible in the “Restricted Access” category are exclusively accessible for statistical and scientific purposes. When using the datasets as described in the previous sentence, registered users are required to take account of the “Regulations for use of personal data in scientific research” ("Gedragscode
voor gebruik van persoonsgegevens in wetenschappelijk onderzoek”) of the VSNU. It is required of every user that they guarantee the confidentiality of the data at all times.

For making datasets accessible that contain special personal data, such as data concerning religion, race, political opinion, criminal records or health, it is furthermore required that the licensor demonstrates that the parties concerned have given their consent for the archiving of their data and making these available by DANS for statistical and scientific purposes. If the licensor cannot demonstrate this consent, the dataset shall only be accessible under very strict conditions, which, in accordance with Article 23 of the Personal Data Protection Act (WBP – Wet Bescherming Persoonsgegevens), set further requirements to the nature of the scientific research or the statistical processing, for the benefit of which use of the dataset is considered necessary.

Technical services:
To the best of its ability and means DANS ensures effective (technical) services in order to prevent that data are lost and/or that unauthorised third parties could gain access to the datasets deposited with DANS.

Objections:
If a concerned party, on account of personal circumstances, has any objection to the processing of his/her personal data by DANS, then the concerned party may submit his/her objections to DANS in writing or via e-mail. The objection of the concerned party states the reasons for its objection. DANS shall inform the concerned party within 4 weeks whether the personal data, in accordance with the objection, are amended, supplemented or are protected or removed.

If the objection of a concerned party relates to the processing of personal data that are recorded in a dataset deposited with DANS, DANS shall inform the licensor of the objection and request the licensor that it, in accordance with the objection, modifies the content of the deposited dataset or that it amends the conditions under which the licence is provided to DANS. DANS shall inform the concerned party within 4 weeks whether the personal data of the concerned party is amended or supplemented, or whether these have been made inaccessible or have been assigned restricted access or whether these have been removed from the data file of DANS.

DANS shall ensure that the measure it proposes is immediately implemented. If the objection of the concerned party is rejected, the concerned party will be informed of the reason within 4 weeks.

Every concerned party always has the option to lodge an objection (as well) with one of the judicial institutions.

April 2009 /Notice has been given of the DANS Privacy Regulations to the Personal Data Officer (Functionaris voor de Gegevensbescherming) of the KNAW on April 22th 2009.