**School of Law**

**STUDENT RESEARCH ETHICS PROTOCOL 2020-2021**

NB STAFF APPLICATIONS MUST BE SENT TO HSSREC AND CANNOT BE DEALT WITH IN THE LAW SCHOOL.

**SECTION 1 GENERAL INFORMATION**

**SECTION 2 ETHICS CLEARANCE FOR LAW STUDENTS**

**1 GENERAL INFORMATION**

**Any University of Warwick student or member of staff who wishes to undertake research involving human participants or their data (this may also include research involving the data of deceased participants), under the auspices of the University, must obtain appropriate ethical approval.**

The 2018 General Data Protection Regulation (GDPR) has replaced the 1998 Data Protection Act (link on the Ethics webpage) and governs the use of research data. Compliance is with the terms of the GDPR is obligatory. The responsibility for compliance with regard to obtaining and using personal data rests with the researcher. Principles are set out on Warwick Legal Services website: <https://warwick.ac.uk/services/sim/dataprotection/>

Personal data is information about individuals and it falls under the GDPR where it collected, stored and controlled by you.

The GDPR requires that data is used fairly and its use is limited to the purpose for which it was collected. It is not to be retained for longer than necessary, which means that data must be destroyed once the purpose for which it was collected has been completed. In the case of students this will normally be once the assessment of the project has been completed. If it is to be retained for further research purposes, it must be anonymised.

Further information is available here at the University’s Data Protection site: <https://warwick.ac.uk/services/idc>

**'Personal data' means any information relating to an identified or identifiable natural person (‘data subject’); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person. Information relating to a living identifiable person includes expression of opinion about or intentions towards that person.**

**'Special categories of personal data' may include information about an individual's racial or ethnic origin; political opinions, trade union status, religious beliefs, health or sexual life, or biometric data.**

**If you are using special categories of personal data you should identify the reason for which that data is to be processed (paragraph 2 below) because the GDPR makes processing of special categories of personal data illegal (paragraph 1 below) unless you can justify such processing. This will usually be under paragraph 2(a) below.**

**It is recommended that the supervisor and student undertake the University’s Research Integrity training module (**[**https://warwick.ac.uk/services/od/ras/opportunities/development\_support/research\_integrity**](https://warwick.ac.uk/services/od/ras/opportunities/development_support/research_integrity)**) and the GDPR training module (**[**https://moodle.warwick.ac.uk/course/view.php?id=25653**](https://moodle.warwick.ac.uk/course/view.php?id=25653)**).**

**GDPR Processing of special categories of personal data**

1.Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation shall be prohibited.

2.Paragraph 1 shall not apply if one of the following applies:

(a) the data subject has given explicit consent to the processing of those personal data for one or more specified purposes, except where Union or Member State law provide that the prohibition referred to in paragraph 1 may not be lifted by the data subject;

(b) processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject;

(c) processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent;

(d) processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the personal data are not disclosed outside that body without the consent of the data subjects;

(e) processing relates to personal data which are manifestly made public by the data subject;

(f) processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;

(g) processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject;

(h) processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3;

(i) processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices, on the basis of Union or Member State law which provides for suitable and specific measures to safeguard the rights and freedoms of the data subject, in particular professional secrecy;

(j) processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) based on Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

**You have individual responsibility for the proper storage and disposal of data.**

**Where research data is electronic it must be stored securely on Warwick servers. Any hard-copy research data must be stored in a locked filing cabinet in the supervisor’s office.**

**Personal data should not be kept for any longer than is necessary. This means that once the purpose for which the data was collected has been achieved, it should be destroyed. E.g. If email addresses are collected in order to send a summary of study results out, once the summary has been sent the email addresses should be destroyed, paper documentation should be shredded**

Your research will **not** require ethical scrutiny where you are engaged in purely literature-based research or documentary analysis, or using previously existing datasets where individual-level information is not provided, or using historical records that do not contain individual-level data. However, Law School students are required to complete the ethics approval process as detailed below. If in doubt, you must consult your adviser/supervisor, or the department’s nominated ethics adviser. The burden of responsibility for seeking the necessary scrutiny and approval lies with **you**.

**2 ETHICS CLEARANCE FOR LAW STUDENTS**

Following the GDPR, the University expects all Law students to gain ethics clearance from the Law School prior to commencing their research projects. UG projects are not expected to involve the collection, storage or processing of any sensitive personal data. In most cases and subject to risk assessment, UG projects should not require clearance by HSSREC.

**Step 1**

Every student who embarks upon the writing of: (1) an undergraduate dissertation or other research project, including URSS; (2) a postgraduate dissertation within the framework of the taught Master’s Degree programmes; and (3) postgraduate thesis work, is required, as part of their obligatory research training, to complete the standard forms furnished by HSSREC in relation to their particular research topic, if their research involves human participants, their data, or raises other ethical concerns. This should be done at the outset of the research project.

The forms are available at HSSREC website:

<https://warwick.ac.uk/services/ris/research_integrity/researchethicscommittees/hssrec/apply>

If the research topic involves human participants, their data, or raises other ethical concerns, the student will need to complete the 1) Application Form, 2) the Participant Information Leaflet and 3) the Consent Form.

The forms should be completed following HSSREC guidelines: <https://warwick.ac.uk/services/ris/research_integrity/researchethicscommittees/hssrec/guidelines_hssrec_application_form>

While it may be the case that some (or many) of the matters addressed on the standard HSSREC form will elicit a “not applicable” response, the discipline of being required to address all of the areas raised in the form will enhance the student’s awareness of research ethics issues and their ability to undertake risk assessments of their intended activities. Complete and careful use of the form is therefore be expected in every case where the form is required.

**Step 2**

The completed form is to be handed to the departmental supervisor together with the supporting documentation (see Step 4). The supervisor is required to go through the form with the student researcher in order to identify whether there are any issues emerging which **either** raise concerns **or** appear to require consideration by the departmental research ethics officer or at the level of HSSREC.

The supervisor must forward the form together with the supporting documentation to the departmental member responsible for research ethics, together with a brief e-mail confirming that further consideration appears to be required (and why).

**Step 3**

In the first instance, the departmental research ethics officer assesses the ethics application, and in most instances, they can approve/ reject the application under the light touch approval policy, or request of resubmission if there are elements of the application that require revision. Light Touch Review of research can occur where the potential for risk of harm to participants and others affected by the proposed research is **minimal**.

If the departmental research ethics officer approves the application following the Light Touch Review, the relevant documentation will simply be placed on file – which will then form part of the normal School of Law records (see below).

In the event that further consideration appears to be required, given that the completed documentation will already be to hand, the departmental research ethics officer will arrange a meeting with the departmental supervisor and the student researcher to discuss the situation.

Following that meeting, if it is agreed that the matter is one for consideration by HSSREC, the documentation will be forwarded to the HSSREC Secretary [hssrec@warwick.ac.uk](mailto:hssrec@warwick.ac.uk)) either for inclusion on the agenda of the next scheduled HSSREC meeting or (in exceptional cases) for HSSREC Chair’s action.

**Step 4**

The Law School is required to hold on file all documentation concerning Research Ethics application and approval. All students must submit the completed HSSREC form as explained above if their research involves human participants, their data, or raises other ethical concerns. Students must lodge copies of all relevant correspondence regarding the work with the Law School as well as the consent form where one has been given. Where applicable, copies of any relevant authorisations, copies of any questionnaires/surveys/interview schedules, copies of any draft recruitment material, e.g. draft email for email recruitment method, recruitment poster, text for social media post/s. For research conducted overseas: a copy of the Information Sheet and Consent Form should also be submitted in the participants' first language. Whilst not an ethical issue, the University Research Ethics Committee also recommends the lodging of any risk assessment form.