

## **The UK Data Service, University of Essex – Written Evidence (DAT0012)**

The UK Data Service appreciates the opportunity to contribute to the House of Lords European Affairs Committee's inquiry into data adequacy and its implications for the UK-EU relationship.

As a leading provider of UK research data our insights are informed by extensive experience in managing data flows essential for research purposes within and beyond academia. The UK Data Service is a comprehensive resource funded by the Economic and Social Research Council to support researchers, policymakers, and educators in accessing and using high-quality social and economic data. As a national data service, we facilitate the storage, preservation, and dissemination of data for secondary use across a wide range of disciplines and areas, including sociology, population studies, education, and economics.

Our services are designed to ensure that data, as a public good, can be explored and used effectively, promoting an evidence-based approach to decision-making and policy formulation. We employ a three-tier access framework, fitting the ethical and legal requirements, allowing even for sensitive personal data to be made available under appropriate frameworks and safeguards (this is referred to as Controlled data).

The EU's data adequacy decisions significantly benefit UK research organisations and institutions by simplifying data transfer protocols, which is crucial for maintaining robust and collaborative research environments. These decisions reduce legal uncertainties and compliance costs associated with cross-border data transfers, thereby fostering international research collaborations.

A key example demonstrating that the EU's adequacy decisions is of invaluable importance to the research community is demonstrated by the continued collaboration between the UK Data Service and our European Partner institutions within the International Data Access Network (IDAN, since 2018). IDAN is a network that facilitates research use of Controlled data between European Research Data Centres (RDCs) via reciprocal provision of Safe Room Remote Desktop Access. Having the adequacy decision in place it enabled data sharing across borders and was one of the 'Relevant Legislative Texts' in the 'Contract for international data use agreements on remote access to confidential data' with our IDAN Partner

institutions. On this basis, from 14 February 2022, for the first time, the UK Data Service was able to make selected UK controlled data available to researchers abroad. Additional access points followed, e.g at CASD/France. This would not have been possible without the EU's adequacy decision.

Further, it enabled our collaboration with the 'Social Sciences & Humanities Open Cloud' (SSHOC, 2019-2022) project, a Horizon 2020 funded project. Within SSHOC WP5.4, a Secure Remote Connection between the UKDS SecureLab and the Secure Data Centre at GESIS has been set up. As a result of the collaborative work undertaken within the SSHOC Deliverable D5.11, for the first time, controlled GESIS data were made available to researchers outside of Germany, via the GESIS access point at the UK Data Service Safe Room at University of Essex. Further, researchers are able to access selected UK Data Service Controlled data through GESIS' Secure Data Center Safe Room in Cologne, Germany. In September 2022, we welcomed our first researchers using the UKDS/GESIS remote connection for carrying out their project work. Their experience was wholly positive as they stated afterwards, saying: "Our visit to the [UKDS Safe Room] went really smoothly ... we were able to access excellent but restricted GESIS data ... The teams at both ends were really helpful throughout, and we are already thinking of new projects that allow us to make use of this fantastic data resource." Again, UK researchers, would no longer be able to enjoy access to excellent but restricted international data in the UK.

While the GDPR has enforced a rigorous data protection regime that might have led to higher compliance costs for example having to appoint a Data Protection Officer and conducting Data Privacy Impact Assessments for higher risk activities it most certainly enhances the credibility of UK research by ensuring high standards of participant privacy and data security. Therefore, while costs overall for the research community might have been increased the benefits of a rigorous framework far outweigh these.

We would also like to add that we have worked closely with the ICO and that the ICO has been instrumental in ensuring that UK data protection practices remain aligned with European standards. The ICO's guidance and oversight have been crucial during the transition period post-Brexit, and afterwards helping research organisations and institutions navigate new compliance landscapes. A key example of the benefits brought by the ICO is the anonymisation framework produced and provided by them which is a huge benefit to the community.

We anticipate that the decision regarding adequacy will likely consider the UK's adherence to data protection norms that evolve within the EU,

potentially including responses to digital transformation challenges. The key challenge could therefore be the Data Protection and Digital Information Bill. We expect that the CJEU will consider legal precedents, the effectiveness of the ICO and the UK's legal protections for individuals' rights if the legality of the EU-UK adequacy decisions were challenged.

We firmly believe that the proposed UK regulations on AI and automated decision-making need to strike a balance between fostering innovation and ensuring privacy. We think that the EU will assess these developments for their potential to diverge from its own emerging AI regulations, which could impact adequacy discussions. Recent shifts towards a potentially more 'flexible' data protection framework may raise concerns about divergence from the EU's GDPR which could in turn jeopardize the adequacy decision, affecting the scientific research relying on EU data exchanges.

The risk of adequacy withdrawal could have dire consequences for the research community including disrupting ongoing research and not allowing future collaborations. It would reverse the - via long-standing projects (e.g. IDAN, SSHOC) - finally enabled access for UK researchers to international Controlled data as it would reverse the finally enabled sharing of UK Controlled with our international partners, and hence researchers abroad. This would be a regression of the international research infrastructure and could be limiting future research to national resources. Additional for organisations such as ours, supporting the research community it would threaten current international project involvements (e.g. EOSC-ENTRUST), our contributions and deliverable outcomes, putting granted funding for agreed deliverables at risk.

If the UK grants its own adequacy decisions to other third countries currently not subject to EU adequacy, we consider that it is most important to ensure that any such decisions directly granted by the UK would not undermine its standing with the EU. The European Commission's recent adequacy review clearly demonstrates a continuous commitment to upholding high data protection standards and ensuring that individual rights are protected.

As we look toward the potential challenges that may influence the EU's renewal of the UK's data adequacy decision in 2025, such as the implications of the Data Protection and Digital Information Bill and new regulations on AI and automated decision-making, the UK Data Service remains committed to advocating for a balanced approach. This approach aims to foster innovation while ensuring that data protection standards remain rigorous enough to maintain the EU's trust and, by extension, the free flow of data that is so crucial for our research community. We are dedicated to ensuring that the UK remains a leader in responsible and effective data management,

supporting a wide array of research that contributes to the well-being and advancement of society.

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