Using Electronic Tools in Your Research: Law, Data Security, and Your Obligations

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Presentation for the Faculty of Graduate Studies

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Outline

- Scenarios: Dropbox
- Scenario: Dedoose
- Four key areas
  1. The law
  2. Research ethics requirements
  3. Institutional policies & procedures
  4. Software agreements & site licenses

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Scenario: Dropbox

- You've interviewed 10 university students about plagiarism.
- You've transcribed the interviews.
- You want to store your raw transcripts on the "cloud"; you've chosen Dropbox.
  - What should you consider before you put your transcripts on Dropbox?
- https://www.dropbox.com/privacy

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Scenario: Dedoose

- You want to do some qualitative coding, so you choose Dedoose.
- Dedoose is a type of analysis software on the cloud.
  - Who owns the data?
  - Who can access your data?

http://www.dedoose.com/Public/Terms

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The Law

- Depending on the country in which you are in (and the country in which you are doing your research), you may be required to disclose your data in case of:
  - Discovery of illegal practices
  - Potential harm
  - FOIPP - requests for information
- Issues
  - What did you promise your respondents?
  - Which laws apply?

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Research Ethics

- Research ethics requirements vary across institutions:
  - Policies & procedure
  - Data destruction
  - Research involving humans

- Issues:
  - Does data mining in open social networks constitute research with humans?
  - Which institution's policies & procedures apply?
  - What if you are doing research independently?

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Institutional Policies

- It is important to consider policies and procedures of organizations with which you and your research are affiliated:
  - University
  - K-12 schools
  - Funding agencies (i.e., SSHRC, etc.)

- You may be required to seek institutional permission.

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Software Agreements & Site Licenses

- Survey statistics

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Cloud Computing

- Do you know what happens if/when the company goes bankrupt?
- Should you/must you encrypt your data?
- Does the cloud company back up their storage?
- Who is responsible for stolen data?

Boilerplate Agreements

- Some uncertainty that they are actually agreements – BUT –
  - Which side can afford the better lawyers?
  - Would a court actually overturn *all* boilerplate agreements?
- Benson's insights likely closer to how the courts would react i.e., uphold reasonable but deny unreasonable clauses

Concluding Remarks

- All forms of data storage have some form of risk.
- Check the terms of your grant/research ethics approval/contracts signed by participants, etc..
- Do your due diligence: If you use cloud storage
  - make sure you have an alternate copy, and
  - consider encrypting your material before submitting it to such storage.
- Reach of USA PATRIOT act is very broad.
- Law in areas of cloud computing, for example, is still evolving and is likely far behind current realities.
- Increased convenience = reduced security.

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Thank you

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