Data protection aspects by merging cattle data of various origins


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DATA PROTECTION ASPECTS BY MERGING CATTLE DATA OF VARIOUS ORIGINS


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AIM: Clarification of data protection aspects within project together with partners to create a basis for joint further development.
What can you expect?

1. Background and aim
2. Basics on legal data protection issues
3. Structure of data processing within cattle breeding in Austria
4. Legitimacy of data processing
5. Examples for implementation based on health data
6. Special issues
Challenges of data integration

- Willingness of stakeholders/partners/players
- Standardisation and comparability of data
- Technical solutions to link data
- Data protection issues
Fundamental right of data protection

Constitutional basis on data protection law in § 1 DSG 2000 (Austria) is fundamental right such as e.g. fundamental right to freedom (General Data Protection Regulation) – 25.5.2018 directly applicable in EU member states

“Everybody shall have the right to secrecy for the personal data concerning him”

Such data must be processed fairly for specified purposes and on the basis of a statutory obligation or authorization, a consent of the person concerned or other legitimate basis laid down by law.

Everyone has the right of access to data which has been collected concerning him or her, and the right to have it rectified

Fundamental right only for „personal data“
Definitions – types of data

**Personal data**: Any information relating to an identified or identifiable person.

**Sensitive data**: Data of persons about their racial and ethnic origin, political opinion, religious or philosophical beliefs, health or their sexual life.

Animal data also about health are no sensitive data

**Indirect personal data** („pseudo-anonymised data“): Data for a controller, service provider or recipient of a transmission, if the data relate to the person in such a manner that its identity can not be determined with legally permissible means

„**Anonymised data**“: Are not traceable to individual affected person by anyone

Measures on data protection depending on the type of data
Who is the owner of the data?

eg. veterinarian diagnoses

There is no data ownership!

(no civil law on ownership of data)
Definitions - roles

**Contracting authority/controller:** natural persons and corporate bodies, Associations of persons or bodies of a local authority or business entities of such bodies if, on their own or jointly with others, they have taken the decision to use data, regardless of whether they use the data themselves or commission a service provider to do so.

**Data subject:** Any natural or legal person or consortium whose data are used (RDV: “affected” = cattle – holder of cattle only indirectly affected).

**Service provider/processor:** natural persons and corporate bodies, Associations of persons or bodies of a local authority or commercial entities if they use data only for the production of a work applied to them.

The different roles have to be defined and assigned to the data processed!
Different roles assigned. The contracting authority is responsible for registration of data processing (presently) and holding updated information available about data processed.
Federation of Austrian Cattle Breeders (ZAR): Overall aim: improvement of Austrian Cattle Breeding

Tasks:
- **Provision and implementation** of services for the processing, evaluation and publication of data on pedigree and performance
- **Development of strategies** for computerization, breeding programs, artificial insemination, marketing and performance testing
- **Determination of the content and requirements of the Austrian proof of pedigree for cattle**
- Development, control and controlling the **breeding programs**
- Planing and implementation of **marketing measures**.

Roles do change based on the different legal bases:
- Law on animal breeding
- Law on drug use in animals
- Bylaw on animal health organisations
- Residue control regulation
- Producer regulation
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4. **Legitimacy of data processing**
5. Examples for implementation based on health data
6. Special questions
Legals circumstances for data processing
Purpose of data processing

**Law of animal breeding / Animal breeding regulation**: data within performance recording, genetic evaluation, breeding program
*Chamber of Agriculture: contracting authority
ZAR: service provider, ZuchtData: sub service provider
*Data subjects: farmers and veterinarians

**Law on drug control / Residue Control Regulation / Veterinary Antibiotic Volume Flow Regulation**: Receipt for drug use has to be issued by the veterinarian (information on animal, farm, diagnoses, treatment and date of treatment, Vet-ID,.. has to be documented and issued by Vet.
*Contracting person for documentation: veterinarians
*Data subjects: farmers
Who has the right to collect and process data?

Example veterinarian diagnoses


There has to be a purpose/reason for collection of data (e.g. bylaw of an organisation,...)

- aim of the organisation includes improvement of animal health by genetics
- membership arrangement include the collection of this data for this purpose

Veterinarian diagnoses from data from official receipt on drug application and use can be processed

If the identity of the vet is recorded the vet has to agree!

Farmer is affected but has agreed already due to agreement within membership in breeding organisation.
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Implementation of agreement on use „consent“

‘consent’ of the data subject means any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her.

Challenge:
• many different data sources – many different agreements to administer
• update of consent if new data are added

Different possibilities to agree:
• Bylaw of organisation (separate from other text and active confirmation!)
• Membership agreement (if it is within the purpose of membership)
• Separate agreement / consent (written, email, internet platform,..)
• If online agreement is possible for all members – easy to update
Electronic consent

Aim: more transparent and easier to administer!
Example for implementation of farmers‘ consent with external partners

Data are generated by external partners e.g. lab data, bulk milk samples for diaries, veterinarians, hoof trimmers, data from slaughter houses,....

Example results on bact. milk samples for external labs

Farmer has to agree that **the lab is allowed** to transfer the results of his cow to the central cattle database!

- responsibility of lab to have the consent of the farmer (external partner!)

External partners don‘t want to have additional work and responsibility concerning data protection issues if they transfer the results to a third party!
Service agreement

External partner (e.g. lab, veterinarian, dairy,...) signs a service agreement with the Federation of Austrian Cattle Breeders (ZAR, contracting authority for central data base)

Content:

• LAB assigns task to administer the agreements of the farmers for data transfer to the RDV to ZAR
• ZAR agrees to administer the agreements on consent of the farmer
• ZAR checks whether the consent is active and does a reduction of data according data protection legitimacy (filtering)
• ZAR assigns the work of filtering to the service provider ZuchtData (extra agreement ZAR and ZuchtData)
• The consent of the farmer is included in the membership agreement or a separate agreement administered by the performance recording organisations on behalf of ZAR

External partners can significantly reduce the effort required for data protection via a Service Agreement!
Many chances by merging data for added value – new possibilities.

Affected persons have to be careful who is allowed to use the data

- Who is sharing the data?
- With whom? Who is informed?
- Who is benefiting from sharing data?

Clear structures, agreements on use of personal data, transparency e.g. are important to build up trust of the stakeholders and affected persons (data subject)

Awareness of data protection!
Protection of personal data - fundamental right!
Thank you to all project partners, funding organisations, colleagues and especially farmers and veterinarians!
THANK YOU FOR YOUR ATTENTION!