

**Access to Collections and Data:  
the General Data Protection Regulation (GDPR), Legacy Data and  
the Meertens Institute.**

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### **Introduction**

Access to collections and data is one of the most fundamental starting points for every humanities researcher. On the 25<sup>th</sup> of May of 2018 access to information changed dramatically in the European Union (EU) with the coming of the General Data Protection Regulation, GDPR (Regulation 2016/679). Before that date the EU Data Protection Directive and individual member state laws governed personal privacy and data protection in the EU (Directive 95/46/EC). This Directive and these laws have been replaced by one set of data protection rules (Dutch Data Protection Authority, 2020). This paper is about the issues regarding the GDPR and the access to collections and data. The collections of the Meertens Institute (Royal Netherlands Academy of Arts and Sciences) will be presented as a use case (Meertens).

### **Impact and issues**

The GDPR emphasizes the individual's rights to understand and control how their data is used. The impact of the GDPR for researchers and other users includes:

1. Ability to use data.
2. Ability to transfer data to and from third parties.
3. Requirements for storing data.

It also affects the collection and data departments of institutes, universities and museums (Tjalsma, 2018). And while the GDPR has already come into force, many aspects of the GDPR still need to be made clear through case law in both the EU as a whole and the individual member states. Moreover, most collections contain legacy data and the question on how to make all collections meet with the new regulations, usually with limited manpower, is an issue. Within this setting the vast collections of the Meertens Institute are no exception.

### **The collections of the Meertens Institute**

The collections of the Meertens Institute concentrate on the diversity in culture and language in the Netherlands and have been accumulated in a period of over 90 years (Jongenburger, 2013). In total more than 15 terabytes of data, 6000 hours of (digital) audio and 2 kilometres

of archival material has been collected. Next to a wealth of information for researchers these collections contain all kinds of personal information such as addresses and religious information from informants and research participants. The legal requirements of the GDPR regarding the legacy data in these collections poses a challenge for the Meertens Institute.

This paper will address the following issues:

1. How does the GDPR affect the ability to give access the collections and data.
2. How does the collection and data department cope with the GDPR.
3. What is the impact of the GDPR on the use of the collections and data.

#### **Resources:**

Jongenburger, W, A.W.H. Jansen & D.A. Zeldenrust (2013). *Collectieplan Meertens Instituut, 2013-2018*. Amsterdam: Meertens Instituut.

Tjalsma, H. (2018). Gevolgen nieuwe AVG voor data-archieven. *Edata & Research*, 12(3), 4.

#### **Websites:**

<https://www.meertens.knaw.nl/cms/nl/collecties> (accessed 21 October 2020).

<https://www.autoriteitpersoonsgegevens.nl/en> (accessed 21 October 2020).

#### **Legislation:**

Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (*Official Journal* L 119/1, 4/5/2016).

Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (*Official Journal* L 281, 23/11/1995).

#### **Authors:**

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<sup>1</sup> The collection and data managers of the International Institute for Social History, the NIOD Institute for War, Holocaust and Genocide Studies, are also part of this working group. These institutes house substantial digital and analogue collections and they are partners in various European and national infrastructure projects such as EHRI and CLARIAH.