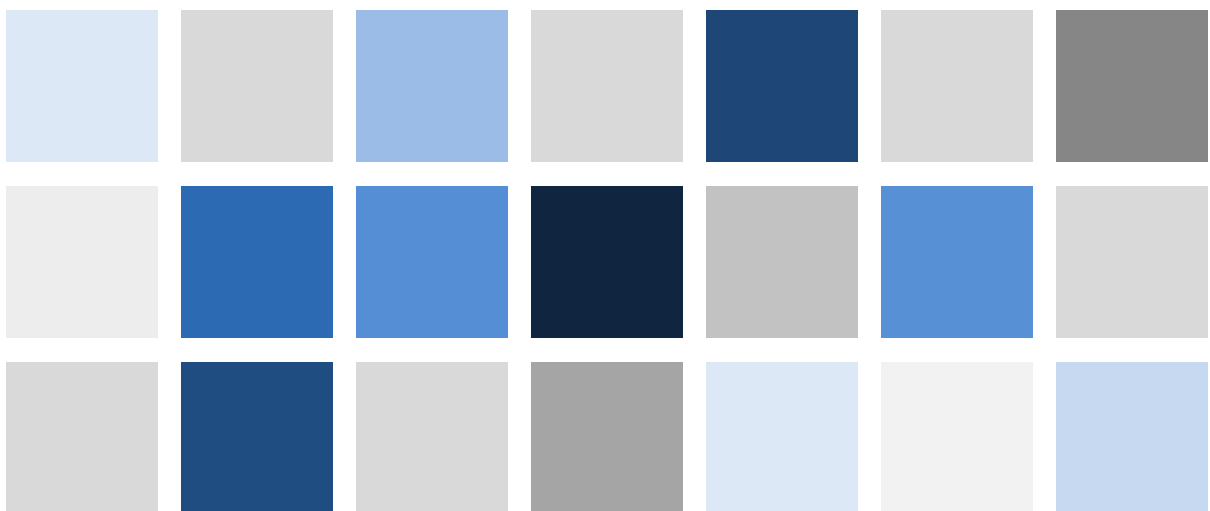


Long-term data for Europe

EURHISFIRM

MS6: Data Ownership and Ethics Protocol



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1. EURHISFIRM Intellectual Property Rights Clearance Protocol

1.1. Public domain sources (may also be copied and made publicly available for commercial purposes)

Authors: Alexander Peukert; Fabian Brandt

Protected source material	Anonymous handbook entries, newspaper articles and similar texts	Handbook entries, newspaper articles and similar texts with an author name mentioned	Collections with creatively selected or arranged content (eg newspapers) with no editor mentioned (anonymous)	Collections with creatively selected or arranged content (eg newspapers) ; editor mentioned	Collections (including electronic databases) that required substantial investments	Reprints (protection questionable)
Duration of right	70 years after publication	70 years after the death of the author of the text	70 years after publication	70 years after the death of the editor of the collection	15 years after publication	50 years after publication of reprint
Content in the public domain since 1.1.2020	Publication before 1.1.1950	Author died before 1.1.1950	Publication before 1.1.1950	Editor died before 1.1.1950	Collection/database published before 1.1.2005	Reprint published before 1.1.1970

1.2. Copyright protected source materials: permissible uses without prior authorization/license

a) EURHISFIRM database is operated on a non-commercial basis, i.e. publicly financed or fees are completely reinvested into the database:

- ▶ Scanning and OCRing of source materials to create a permanent corpus: yes
- ▶ Temporary copying of EURHISFIRM corpus for the purpose of text and data mining: yes
- ▶ Make corpus or protected parts of corpus available to researchers for the purpose of their research with EURHISFIRM database: yes
- ▶ Make corpus or protected parts of corpus available to the general public: no

b) EURHISFIRM database is operated as a for-profit enterprise:

- ▶ Text and data mining is permissible also for commercial purposes, but it is very questionable whether the rule applies to source materials published before its enactment (ie 6.6.2019)



2. EURHISFIRM Protection of Personal Data and Privacy Clearance Protocol

Author: Helmut Siekmann

1. General rule: Only personal data are protected.
2. Personal data are any information relating to a living, individual, natural person.
3. It is sufficient that the individual person is identifiable.
4. All source material is affected but with a varying probability according to their factual content.
5. Affected by legal rules on the protection of personality rights and privacy?

Information related to	In general	Identification of natural person possible	Defamation	Inheritance of individual rights under the GDPR
Objects	no	yes	not applicable	not applicable
Legal persons	no	yes	no	not applicable
Deceased persons	No, save for national legislation	No, save for national legislation	yes	if processed during lifetime and according to national law possible
Information relating to natural persons born before 1900	no	No, save for national legislation	yes	if processed during lifetime and according to national law possible
Information relating to a living, individual, natural person	yes	yes	yes	not applicable



6. Information relating to a living, individual, natural person is processed by EURHISFIRM.

Justification	Consent of the affected person	Permission of the law (“in the public interest”)	Permission of the law (“legitimate grounds”)	Relaxation of purpose limitation requirement for archive purposes	Relaxation of purpose limitation requirement for historical or statistical research purposes
Justification in general	yes	no	yes, with limitations	not applicable	not applicable
EURHISFIRM database is operated as a for-profit enterprise:	yes	probably no, depending on details	yes, with limitations	no	no
EURHISFIRM database is operated on a non-commercial basis	yes	yes	in principle, yes	yes, Article 5(1) lit. b GDPR	yes, Article 5(1) lit. b GDPR

7. Further derogations and limitations of application hold following Article 89(2) GDPR for archiving or research purposes: Article 14(5) GDPR (information requirement), Article 17(5) GDPR (right to erasure) and 21(6) GDPR (right to object).
8. Genuine ethical rules are not applicable.
9. Codes of conduct (“ethical rules”) are relevant under certain circumstances. By their nature they are not harmonized. Have to be inquired individually. May even differ within one Member State. In principle, not binding courts of law.

