eduGAIN GDPR Impact Assessment

As part of the GN4-2 project, an assessment of the GDPR implications on the eduGAIN constituency was conducted and the results are presented in the Aessment of DP legislation implications document.

Based on this assessment, the following action points have been attributed to eduGAIN central operational team (in table only eduGAIN), REFEDS, Identity Federation Operators, Service Providers (SP) and Identity Providers (IdP).

We recognise that there are differences in legal requirements for Identity Federations within the European Union (EU) / European Economic Area (EEA) and in the rest of the world, but believe this advisory represents best current practice for all Identity Federations so have not distinguished our advice to different regions.

<table>
<thead>
<tr>
<th>Action Topic</th>
<th>Who</th>
<th>Description</th>
<th>Advisory</th>
<th>Status</th>
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</thead>
<tbody>
<tr>
<td>Publishing contacts in metadata</td>
<td>eduGAIN</td>
<td>Operational contact information for individual administrators (IdPs, SPs, AAs and Identity Federations is collected in the metadata published by Identity Federation Operators. This is an explicit data processor for this information. The information is held and published in the eduGAIN database and in the eduGAIN metadata.</td>
<td>For metadata that is published, Identity Federations should adapt its entity metadata registration practice to request functional role contacts rather than personal contacts. For internal administration processes, Identity Federations will need to manage personal data for authorisation processes and should adapt Privacy Notices accordingly.</td>
<td>Best Current Practice for eduGAIN will be developed from March 2018 - December 2018. Areas impacted by GDPR will be prioritised.</td>
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<tr>
<td>Identity Federations</td>
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<td>Consultation started with the eduGAIN Steering Group.</td>
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<tr>
<td>Data Processor Agreements - DPA</td>
<td>KPs, SPs</td>
<td>GDPR regulates the release of personal information from an IdP/AAA to SP. Scalable minimal attribute assertions should be addressed with the use of entity categories. However, where scalable models do not apply, the contracting parties can make bilateral DPA agreements, such as those embedded in site licenses.</td>
<td>Support the IdPs and SPs, and help them identify where scalable models do not apply.</td>
<td>The work on a new version of CoCo is being led by a small team of identity federation specialists with support from DLA Piper. The draft version has been substantially completed and has been sent out to consultation within the international identity federation community. The second draft was published in June 2017 and an explanatory memorandum is being prepared in parallel.</td>
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<tr>
<td>Identity Federations</td>
<td>eduGAIN</td>
<td>The current version of the CoCo describes an approach to meet the requirements of the EU GDPR via the &quot;Code of Conduct&quot; function. It defines behavioural rules for SPs that want to receive user attributes from IdPs/AAAs.</td>
<td>Update GEANT CoCo to reflect the changes between the new GDPR and the old DPD.</td>
<td>The second draft was published in January 2018 and the consultation period will finish in February 2018.</td>
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<tr>
<td>GEANT Data Protection Code of Conduct (CoCo)</td>
<td>eduGAIN</td>
<td>The current version of the CoCo describes an approach to meet the requirements of the EU GDPR via the &quot;Code of Conduct&quot; function. It defines behavioural rules for SPs that want to receive user attributes from IdPs/AAAs.</td>
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<tr>
<td>REFEDS Research and Scholarship Entity Category - REFEDS R&amp;S</td>
<td>REFEDS</td>
<td>REFEDS R&amp;S is designed to allow data to flow to researcher and scholarship. SPs that have a legitimate interest in this data. The attributes supported in REFEDS R&amp;S are chosen to represent a privacy baseline such that further minimisation achieves no benefit.</td>
<td>Guidance on the use of REFEDS R&amp;S and GDPR has been developed by REFEDS and published. REFEDS is considering the potential of making R&amp;S a Certification but this will be a long process.</td>
<td>Incorporate REFEDS R&amp;S as BCP within eduGAIN.</td>
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https://wiki.refeds.org/display/ENT/Guidance-on+justification+for+attribute+release+for+RandS
<table>
<thead>
<tr>
<th>Identity Federations</th>
<th>Implementation and use the lightweight audit process for SPs asserting R&amp;S entity category that will be developed by REFEDS.</th>
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<tbody>
<tr>
<td>IDPs</td>
<td>As REFEDS R&amp;S is based on legitimate interests, the IDPs should not use consent dialogues in the workflow. A transparent Privacy Notice in which the IDP explains to the end user which attributes are released and why, can be used instead.</td>
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**Security Incident Response Framework for Federated Identity – SIRTFI**

**eduGAIN, Identity Federations, IDPs, SPs**

SIRTFI aims to enable the coordination of incident response across federated organisations. This assurance framework comprises a list of assertions which an organisation can attest in order to be declared SIRTFI compliant.

In GDPR Chapter IV Section 2 the security practices for data breach of personal data are defined. Security incidents involving breach of personal data are in scope for SIRTFI.

The SIRTFI framework is the recommended way to meet GDPR requirements with regard to handling communications around data breaches within federations.

**SIRTFI** will therefore be positioned formally within eduGAIN as Best Current Practice (BCP), and supported by the central eduGAIN function for data breaches.

End-user personal data that is necessary for resolving a security incident should only be shared between end points i.e. IDP and SP affected. Identity federations and eduGAIN have a role in supporting, escalation and reporting only.

The SIRTFI framework was finalised in late 2016, and adoption of SIRTFI throughout the eduGAIN membership is underway.

SIRTFI has also been included in the GÉANT CoCo v2.0 specification to address GDPR requirements on incident response. SIRTFI states that the use of the Traffic Light Protocol (TLP) must be used to facilitate such information sharing.

**Use of Consent**

**IDPs**

Where consent is applicable, all consent should always be given freely, and be specific, informed and unambiguous. When attribute release is based on one of the defined necessary processing models in Chapter II Article 6, consent is not considered applicable.

When attributes are required for operation of a service, IDPs should not ask for consent for passing this information.

Consent mechanisms may be adapted to support the requirement for transparent privacy notices rather than explicit consent. Do not use an accept button but a continue button.

Further, specific investigation of the relationship between use of consent and other attribute release mechanisms is recommended, including seeking specific legal opinion when preparing BCP.

**Identity Federations, eduGAIN, REFEDS**

Negative consent cannot be used, i.e. an IDP cannot ask the user to uncheck a box in order to stop information being shared.

**Interoperability with Jurisdictions outside the EU and EEA**

The increased territorial scope in the GDPR makes all SP that supply services to end users within the EU/EEA affected by the GDPR.

SPs outside the EU/EEA should comply with the GDPR, and EEA. SPs should assess the risks of releasing attributes to these services.

The entity categories REFEDS R&S and the upcoming CoCo v2 should be used to handle attribute release from IDPs within the EU/EEA to SPs outside.

**Rights of the Data Subject**

**SPs, Identity Federations, eduGAIN**

The rights of the data subject are fundamental to the GDPR and therefore it is important for organisations to fully understand and respect these rights.

Create a Privacy Notice that describes what and how personal data is used in the service. It is recommended that appropriate Privacy Notices are published for all levels of identity federation services, from eduGAIN centrally, to federations, to IDPs and SPs to demonstrate transparency of compliance to the GDPR. These notices should include guidance on which level of the service users should contact in given scenarios.

The upcoming CoCo v2 will contain information on how to uphold the rights of the end-user that can be adapted to provide a framework for such Privacy Notices. An example of how to write a Privacy Notice can be found on the InAcademia website.

The Current GÉANT Code of Conduct has a template Privacy Notice as part of its document set.

**Support requests to edugain-support**

**eduGAIN**

Contact information for individuals will be received by edugain-support. This will typically only cover email addresses and any contact information in email signatures, but there is a risk that individuals may share sensitive data regarding the issues they face (e.g. passwords or usernames that are not working, sensitive incident information).

Tickets are managed by the GÉANT OTRS system and only accessible by authorised members of the edugain-support team.

Guidance should be given where the edugain-support address is publicised encouraging users not to send personal data to the edugain-support list and describing the incident response role of eduGAIN.

An example of how to write a Privacy Notice can be found on the InAcademia website.

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