



PRIVACY NOTICE FOR SCIENTIFIC RESEARCH

You are participating in scientific research. This privacy notice informs you about the processing of your personal data as part of the research. You have a legal right to receive this information.

1. Data controller(s) in the study *Language and Justice in Context: The ICC, SDG 16, and Agenda 2063 in Prosecutor v. Paul Gicheru*

The data controller is responsible for the lawful processing of personal data in this research.

The data controller of this research is: University of Jyväskylä, Seminaarinkatu 15, P.O. Box 35, 40014 University of Jyväskylä. Business ID 0245894-7 Data protection officer: tietosuoja@jyu.fi, 040 805 3297.

Person or group responsible for the research

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2. Processor(s) of personal data

A *processor of personal data* refers to a party that processes personal data on behalf of the data controller and according to the data controller's instructions. A data processing agreement must be signed with the processor of personal data. In this research, the processors of personal data are the following:

- Microsoft
- Simeon P. Sungi, Associate Professor of Criminal Justice at the United States International University-Africa in Nairobi (ssungi@usiu.ac.ke)

During the implementation of the research, the data controller can also use processors of personal data who cannot be named in advance. Appropriate agreements must always be made with processors. Suitability of the processors for the secure processing of personal data must be assessed before an agreement is made. The data subject will be informed separately about the use of another processor if the change is significant from the data subject's point of view.

To ensure the accuracy of research data, the data controller may submit data for processing (primarily without direct identification data) to a so-called research reviewer or verifier for a defined period when necessary. These reviewers or verifiers work under the supervision of research staff. Data processing agreements are made with them if they receive personal data.

3. Publication of personal data as part of the research results

Your personal data may be included in published research results, but only in pseudonymized form. Full anonymization would prevent the correct identification of the legal issues at stake. Moreover, publishing discourse-analytic research requires providing authentic discourse data, which in this case are traceable to the

non-pseudonymized documents published on the ICC website. More information on this can be found in Section 7 of this document. You can obtain detailed information about where your data has been published from the person in charge of the research.

4. Personal data to be processed in *Language and Justice in Context: The ICC, SDG 16, and Agenda 2063 in Prosecutor v. Paul Gicheru*

For this study, we will collect the following type of personal data: discourse produced by and about data subjects in the context of trial proceedings related to the trial of Paul Gicheru before the International Criminal Court (ICC). The trial data will be obtained from ICC trial hearing transcripts and other courtroom documents made available for research purposes on the ICC website (www.legal-tools.org). Data subjects include: The defendant (deceased in 2022), ICC judges, other ICC staff members, counsel, witnesses, and prominent Kenyan politicians and representatives of political authorities. These data will be analyzed using established critical discourse analysis methods to identify the impact of translation and other discursive practices in the courtroom on the ICC's delivery of justice and projection of legitimacy. This will be examined against the backdrop of the internal and external (geopolitical) challenges confronting this novel translational legal institution, as examined in an earlier [Research Council of Finland project](#).

Data collection is based on the research plan.

The following special categories of personal data or information on offences and criminal convictions are processed in this research:

- Race or ethnic origin
- Political opinion
- Offences and criminal convictions

This privacy notice has been published on the university website, on the personal webpage of the person in charge of the research.

5. The legal basis for processing personal data in scientific research

The processing of your personal data is necessary for scientific research purposes on the grounds of public interest, in compliance with Section 4, Subsection 3 of the Data Protection Act. Special categories of personal data or information on offences and criminal convictions are processed for the purpose of scientific research in compliance with Section 6, Subsection 7 of the Data Protection Act.

Additional grounds

☒ Processing of personal data for journalistic, academic, artistic, or literary expression (Data Protection Act, section 27).

6. Transfer of data outside the EU/EEA

In this research, your personal data will not be transferred outside the EU/EEA.

7. Protection of personal data

The processing of personal data in this study is based on an appropriate research plan, and the study has a designated person in charge. Only personal data necessary for the purpose of the study will be processed as research material.

The personal data of research subjects is only processed in environments and using tools that the data controller has determined to be sufficiently secure for the processing of personal data. Special categories of personal data

are subject to enhanced data security requirements. A separate data management plan has been drawn up for the processing of the data. The data will be treated as confidential according to the University of Jyväskylä's [data security classification](#).

The data consist of publicly available ICC trial hearing transcripts of the Gicheru case, in which individuals are identified in accordance with established judicial procedure (mostly witnesses and legal professionals—the defendant had passed away before the trial concluded). These direct identifiers will be retained during the analysis to preserve the legal accuracy of the analysis of testimony and judicial reasoning. Since these data are already public and the individuals are referenced in their official capacities, retaining these direct identifiers is proportionate and essential for research purposes. Importantly, before publishing trial hearing transcripts and other court documents on the ICC website, the ICC Registry systematically removes all personal data that could lead to the identification of victims of atrocity crimes and vulnerable witnesses (full anonymization).

During the life cycle of the data, the principle of minimising personal data and the requirement of necessity are taken into consideration.

Duration of the processing of personal data

The estimated time for the destruction of the research data is December 2027, or after the publisher accepts the last research paper. Upon completion of the research, the entire data register will be deleted.

8. Rights of the data subject

Right to access data (Article 15, General Data Protection Regulation GDPR)

You have the right to obtain information about whether your personal data is processed, and which personal data is processed. If you want, you can also request a copy of the personal data processed in the study.

Right to have data rectified (Article 16, GDPR)

If there are inaccuracies or errors in your personal data processed in the study, you have the right to request their rectification or supplementing.

Right to have data erased (Article 17, GDPR)

You have the right to request your personal data to be erased in certain situations. However, you do not have the right to erasure if it prevents or significantly complicates the realisation of the purpose of processing in scientific research.

Right to the restriction of processing (Article 18, GDPR)

You have the right to restrict the processing of your personal data in certain situations, for example, if you deny the accuracy of your personal data.

Right to object (Article 21, GDPR)

The data subject has the right, in certain situations, to object to the processing of their personal data. If the data subject objects to the processing, the personal data may no longer be processed unless the controller demonstrates compelling legitimate grounds for the processing.

Derogation from the rights

Derogation from the aforementioned rights is possible in certain individual situations on the basis of the GDPR and the Finnish Data Protection Act, insofar as the rights prevent or significantly complicate the realisation of scientific or historical research purposes or statistical purposes. The need for derogation must always be assessed separately for each situation. Furthermore, derogation from these rights is possible if the controller demonstrates that it is unable to identify the data subject. As a rule, the rights of the data subject must be fulfilled if the data subject, for the purpose of exercising their rights, provides additional information enabling their identification.

Automated decision-making

In this study, your personal data will not be used in automated decision-making.

Implementing the rights of the data subject

If you have questions on the rights of data subjects, please contact the University's data protection officer. All requests concerning the execution of the rights must be submitted to the Registry Office of the University of Jyväskylä. Registry Office and Archive, P.O. Box 35 (C), 40014 University of Jyväskylä, tel. +358 40 805 3472, email: kirjaamo(at)jyu.fi. Street address: Seminaarinkatu 15, Building C (Main Building), floor 1, room C 140.

Reporting actual or suspected data breaches to the University of Jyväskylä:

<https://www.jyu.fi/en/report-a-data-security-breach>

You have the right to file a complaint with the supervisory authority of your permanent place of residence or employment or place of the alleged infringement, if you feel that the processing of personal data is in breach of the GDPR (EU 2016/679). In Finland, the national supervisory authority is the Data Protection Ombudsman.

Current contact information for the Office of the Data Protection Ombudsman: <https://tietosuoja.fi/en/home>