

THE EUROPEAN CENTRE FOR MINORITY ISSUES

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Processing of Ethnicity Data

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Ethnicity Data

“Broadly defined, ethnicity is based on a shared understanding of history and territorial origins (regional and national) of an ethnic group or community, as well as on particular cultural characteristics such as language and/or religion. Respondents’ understanding or views about ethnicity, awareness of their family background, the number of generations they have spent in a country, and the length of time since immigration are all possible factors affecting the reporting of ethnicity in a census. Ethnicity is multidimensional and is more a process than a static concept, and so ethnic classification should be treated with movable boundaries”, UN Recommendations on Census

Measuring ethnicity (?)

- ethnic ancestry or origin
- ethnic identity
- cultural origins
- nationality
- race
- colour
- minority status
- tribe
- language
- religion

Measuring ethnicity (?)

| | |
|--|---------------|
| Ethnicity | Mother tongue |
| Ethnicity of parents | Photo |
| Appearance | Race |
| Nationality | Skin colour |
| Citizenship | Culture |
| Place of birth/ Country of birth | Customs |
| Nationality or country of birth of parents | Religion |
| Language used | Traditions |
| Clothing | Eating habits |

Measuring ethnicity (?)

- personal data *revealing* racial or ethnic origin
 - Wider interpretation: data on citizenship, citizenship of the parents, place and country of birth, language, skin color, customs, clothing, and even the name
 - Narrow interpretation: race, colour, national or ethnic origin, nationality, religion and language

General Principles

- Self-identification
- Self-declaration
- option of indicating multiple ethnic affiliations
- pre-coding or the pre-classification of ethnic groups not welcome
- Voluntary basis
- Using proxies (?)
- Data protection

The purpose of the data

“Data on ethnicity provide information on the diversity of a population and can serve to identify subgroups of a population. Some areas of study that rely on such data include demographic trends, employment practices and opportunities, income distributions, educational levels, migration patterns and trends, family composition and structure, social support networks, and health conditions of a population.” UN Recommendations on Census

The purpose of the data

- Measuring (in)equality
 - Fighting discrimination
 - Developing and imposing affirmative action measures
- Enjoyment of special minority rights
 - Demographic thresholds
- Developing and assessing 'diversity management policies'

Methods of collecting ethnicity data

- Census
- Official registers
- Equality data: qualitative studies, surveys, interviews, anonymous testing

Ethnicity data as personal data and statistical data (?)

Ethnicity Data as Personal Data

- “personal data” means any information relating to an identified or identifiable individual (“data subject”) (Article 2 a. of the Convention 108).
- “personal data” means any information relating to an identified or identifiable natural person (“data subject”); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person (Article 4.1 of the GDPR).

Ethnic Data as Sensitive Data


➤ Article 6 of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (CoE Convention 108): ***Special Categories of Data***

(1) The processing of: (...)

– personal data for the information they reveal relating to racial or ethnic origin, political opinions, trade-union membership, religious or other beliefs, health or sexual life,

shall only be allowed where appropriate safeguards are enshrined in law, complementing those of this Convention.

(2) Such safeguards shall guard against the risks that the processing of sensitive data may present for the interests, rights and fundamental freedoms of the data subject, notably a risk of discrimination.



➤ Article 9 of the General Data Protection Regulation (Regulation (EU) 2016/679): Processing of special categories of personal data

(1) Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation shall be prohibited.

(2) Exceptions to the general prohibition

Controversies

- Ethnicity is too fluid and subjective
- Ethnicity is prone to manipulations
- Ethnicity is too personal
- Revealing ethnicity is risky
- Bears a risk of unlawful collection of sensitive data
- Risks of 'Data Mining' and 'Ethnic Profiling'
- Perpetuation of stereotypes and stigmatization of groups and persons belonging to these groups



Thank you for your attention!

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