



The Directorate of Norwegian Correctional Service (KDI)

The Norwegian Correctional  
Service's regions

**Circular**

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## **CIRCULAR RELATING TO PROCESSING OF RESEARCH APPLICATIONS IN THE NORWEGIAN CORRECTIONAL SERVICE**

This circular governs applications and processing of applications for research in the Norwegian Correctional Service.

The guidelines concerning the circular on processing research applications in the Norwegian Correctional Service applies to both applicants and persons processing research applications.

This circular is in replacement of *Circular G-2007-07 Guidelines concerning processing of applications for research in the Norwegian Correctional Service*, and comes into force immediately.

*This letter has been approved electronically by the Norwegian Correctional Service and therefore does not have a handwritten signature.*

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## **Reader's guide**

**This circular on the processing of research applications in the Norwegian Correctional Service** covers applications and processing of applications for research. Chapters 1-3 of the circular provide a description of research in the Correctional Service, the framework and limitations of the circular, and requirements on processing research applications.

Chapter 4 of the circular provides an overview of current regulations concerning data protection and research involving personal data. The chapter states, inter alia, that individual research projects that require processing of personal data shall comprise a researcher who is responsible for ensuring that the project meets the requirements of the data protection regulations.

**The guidelines concerning the circular relating to processing of research applications in the Correctional Service** are provided in the attachment. The guidelines apply to both applicants and persons assigned the task of processing research applications. Primarily, the guidelines provide an overview of requirements for ethical accountability in research within the Correctional Service. The guidelines state that research projects in the Correctional Service shall maintain high standards within research ethics, and shall follow basic principles for researcher and research ethics.

The guidelines also specify requirements on applications for research. The right to apply for access to confidential information is granted to researchers affiliated with approved research institutions. The Correctional Service may only process applications where the requirements set out in the guidelines are met.

The guidelines detail the Correctional Service's routines for processing research applications. The purpose of the guidelines is to help reinforce resource management and organisation of case work in the Correctional Service's regions.

The guidelines also contain recommendations relating to the responsibility of researchers and research institutions for quality assurance and dissemination of research. The responsibility of researchers and research institutions for dissemination of scientific results, including to the research participants, is of particular importance.

# Circular relating to processing of research applications in the Correctional Service

## 1. Research in the Norwegian Correctional Service

As a part of public administration, the Norwegian Correctional Service shall facilitate an increase in research.<sup>1</sup> The purpose of research is to provide the agency and society in general with information and new knowledge. The right to carry out research is granted in order to help ensure that the work of the Correctional Service is more knowledge-based. This shall be part of an overall assessment of the lack of knowledge and research needs in society, including the needs of the Correctional Service. Moreover, the research should have a utility value for society, the Correctional Service and individual research participants.

The Norwegian Correctional Service gives priority to research projects carried out by researchers who have the required level of expertise and of who maintain a high academic quality.

There are special requirements governing research involving convicted persons under the age of 18. Children are a particularly vulnerable and susceptible group, and children who participate in research are entitled to special protection.<sup>2</sup>

The right to carry out research in the Correctional Service is prioritised as follows:

- Research institutions
- Doctoral students
- Master's students

The right to carry out research shall always be evaluated in relation to the Correctional Service's resources and capacity to facilitate execution of the research project. Taking into account resources and capacity, the Correctional Service may decide to give priority to Master's students who are affiliated with specific research projects at a research institution.

## 2. Framework and limitations of the circular

**The circular covers:**

- External enquiries involving a research purpose.
- Applications for research in the Correctional Service, including recruitment of convicted persons and employees as informants for research projects.
- Applications for confidential information from the Correctional Service for research, where an exemption from the duty of confidentiality is required.<sup>3</sup>
- Research that involves employees and management in the Correctional Service, applications for access to a convicted person's records, or the Correctional Service's assessments, decisions or registers that are covered by a duty of confidentiality.

Applications to carry out research projects that collect data on candidates, students or employees from the University College of Norwegian Correctional Service (KRUS) should

be sent to KRUS. KRUS is responsible for processing and granting such applications.

Enquiries from international research group are assessed in the same way as other enquiries. However, different countries have different methods for management of research ethics, and this can result in special challenges involving research ethics.<sup>4</sup> Norwegian research institutions are responsible for informing affiliated international researchers about the Norwegian research ethics system. Independent researchers/research institutions submitting applications to carry out research on the Correctional Service in Norway are governed by the data protection regulations as described in this circular and in guidelines developed by the National Committee for Research Ethics in the Social Sciences and the Humanities (NESH).

This circular will be made available in English.

**Limitations of the circular:**

- The circular does not govern research initiated by the Norwegian Directorate of Correctional Service (KDI) or the University College of Norwegian Correctional Service (KRUS). Nonetheless, both the KDI and KRUS shall submit requests to the regions for the right and capacity to conduct research at their units.
- The circular does not apply to enquiries where the purpose is general requirements for data collection, interview requests or book projects. These types of enquiries are managed by the Correctional Service by means of separate internal processes. The Correctional Service should consult the Data Protection Officer in cases that are not related to research. Enquiries from journalists and journalism students are governed by section 24 of the Norwegian Execution of Sentences Act.
- Bachelor students and students on supervised professional training are not entitled to carry out research in the Correctional Service.
- The Correctional Service shall not process applications for research concerning a convicted person's next of kin, including the children of the convicted person.
- Only current convicts may be recruited for research projects.

**Roles in the Correctional Service related to research applications**

- The Correctional Service at regional level is responsible for processing applications for research.
- Executive officers at the regional offices shall primarily assess the right to carry out research and data collection. The right to carry out research shall be assessed in relation to the capacity and resource situation of the regions and local units.
- When research ethics assessments are required, the regions shall consult with the NESH, Sikt (Norwegian Agency for Shared Services in Education and Research)<sup>5</sup>, the data protection officer or similar.
- In cooperation with the regions, KRUS is responsible for highlighting ongoing research projects at KRUS
- The KDI is responsible for developing and maintaining a website for research in the Correctional Service
- The KDI can, in collaboration with KRUS and external research groups, contribute to consecutive assessments of key areas where there is a lack of knowledge in the

- Correctional Service, and determining which research areas should be receive priority.
- The KDI is the data controller for all processing of personal data in the agency.<sup>6</sup>
- The KDI is the appellate body.

### **Delegation of authority to the Directorate of Norwegian Correctional Service, pursuant to section 13d of the Public Administration Act**

The right to share confidential information with researchers is governed by Section 13d of the Public Administration Act. Section 13d stipulates that the Ministry may or shall, when this is deemed reasonable and no undue inconvenience is caused thereby to other interests, decide that an administrative agency may or shall provide information for use in research.<sup>7</sup> Delegation of this authority came into effect on 15 April 2023.

### **3. Requirements relating to the processing of research applications**

This circular governs how applications for research in the Correctional Service shall be processed in order to ensure equal practice between the different regions in the Correctional Service. The purpose of case processing is to ensure that research is conducted in accordance with the regulations for the processing of personal data (cf. Chapter 4) and that research takes place within an ethically justifiable framework (cf. Chapter 5).

Efforts shall be made to ensure that the research is conducted properly to protect convicted persons and employees from exposure to unnecessary and personal disadvantage (cf. Chapters 7 and 8). Such efforts must be weighed up against the individual convicted person's/inmate's legitimate wish to be able to take part in research.

In general, the Correctional Service shall allow convicts/inmates to exercise their freedom of speech, including through participation in research, where possible.

The circular is a governing and supporting document for issues that are not regulated by current legislation.

The purpose of the circular is as a guide for both persons applying for research permits and persons processing research applications in the Correctional Service.

There are no formal requirements for data protection and research ethics expertise among executive officers in the regions, but the evaluation of applications takes into account whether the executive officer has the required knowledge of legal, methodological and ethical issues related to research in the Correctional Service. For both regional offices and the Correctional Service in general, professional and up-to-date expertise relating to processing of research applications shall be ensured. The agency shall ensure that it is up-to-date on knowledge about research in the Correctional Service, data protection and research ethics guidelines.

Having stable and updated expertise relating to research in the Correctional Service, data protection and guidelines for research ethics will provide the Correctional Service with better prerequisites for compliance with the purpose of the circular, and at the same time will help contribute to achieving the strategic goals of the Correctional Service.

## 4. Privacy and research involving personal data

### Legal framework

The Correctional Service's processing of personal data is governed by several different sets of rules:

- Chapter 1A of the Execution of Sentences Act and the Personal Data Act of 2000 govern the processing of personal data about inmates and convicted persons. The Personal Data Act of 2000 has been repealed, but is maintained for execution of sentences.
- Chapter 1B of the Execution of Sentences Act stipulates separate provisions governing the processing of personal data in the *Infoflyt* system.
- All other processing of personal data, including for management, administrative and private law purposes, etc., is governed by the Personal Data Act of 2018 and the General Data Protection Regulation.

### Data controller and data processor

A description of the roles of data controller and data processor in relation to processing personal data is provided in Table 1.

Data controller and data processor	
Description	Roles and responsibilities
<b>Data mainly sourced from the Correctional Service's systems</b>	The Correctional Service is the data controller and the researcher is the data processor. A Data Processing Agreement (DBA) must be entered into.
<b>Data that the researcher obtains directly</b>	The researcher is the data controller for data obtained directly via selected research methods.
<b>When several parties collaborate on a research project, the parties must designate a data controller, a data processor or whether they shall act as joint data controller.</b>	Reference is made to standardised templates for the Data Processing Agreement <sup>8</sup> and the template for joint data control <sup>9</sup> .
<b>Data controllers have a duty to ensure and document that the processing of personal data takes place in accordance with the General Data Protection Regulation.</b>	<p>Individual research projects that require processing of personal data shall comprise a researcher who is responsible for ensuring that the project meets the requirements of the data protection regulations. PhD students are responsible for their own projects.</p> <p>Student supervisors are responsible for privacy in student research at Master's level. However, students also have an independent responsibility to ensure privacy.</p> <p>Researchers and research institutions have an independent responsibility to ensure that research is conducted in accordance with recognised research ethics norms, often based on guidance and advice from others.<sup>10</sup></p>

Table 1. Data controller and data processor

### **Basis for processing and consent**

All processing of personal data must have a legal basis, also referred to as the legal basis for processing.<sup>11</sup> In research, consent is one of several bases for processing, all with equal value. Consent is the most common legal basis for processing in the Correctional Service. For consent to be valid, it must meet the following requirements:

- Voluntary consent
- Specific and informed consent
- Unambiguous and given through an active action
- Documentable consent
- Equally easy to opt-in as to opt-out

If there are plans during a research project to share personal data with other persons, institutions, organisations or enterprises outside the Correctional Service, the legal right to share the personal data must be clarified in advance. If the legal basis for processing data is consent, the consent must cover sharing of data, as mentioned above. Ethical consent must also be obtained, see Chapter 5 below.

### **Access control, confidentiality and information security**

Access to information shall be restricted so that only persons who are participants in the research project have access to the personal data. A written list of the persons who have access to the data shall be compiled. Non-disclosure agreements shall be signed.

The research project must provide confirmation that, pursuant to Article 32 of the GDPR, satisfactory technical, physical and organisational safeguards to protect personal data against unauthorised or unlawful access, alteration, deletion, damage, loss or inaccessibility have been implemented.

### **Purpose limitation**

The research project shall not process personal data for purposes other than those specifically stated in the application.

### **Storing project data**

The data shall not be stored for longer than is necessary to achieve the purposes for which the personal data is processed. Once the research project has been completed, the data shall be deleted or anonymised. In some cases, the data may have value in terms of archives, and can be transferred to an archive for continued storage. Sikt (the Norwegian Agency for Shared Services in Education and Research) can provide recommendations for how to handle data at the end of a project.

The Correctional Service shall be informed if there is a need to extend the data collection period, and must assess whether such an extension can be approved. Ref. also requirements relating to applications for research in Chapter 7.

### **Nonconformances**

The data controller shall report nonconformances and loss of confidentiality to the Norwegian Data Protection Authority within 72 hours. The Correctional Service shall also be notified

immediately of any nonconformances.

# Appendix

## **Guidelines to circular relating to processing of research applications in the Correctional Service**

### **I. Ethical accountability**

**Research projects in the Correctional Service shall maintain high standards within research ethics, and shall follow basic principles for researcher and research ethics.**

#### **Research ethics for research in the Correctional Service**

Researchers shall act with due care to ensure that all research is conducted in accordance with recognised research ethics norms. This also applies during preparations for research, reporting of research and other research-related activities. The research institution is responsible for training and supervising employees and candidates in relation to research ethics norms, and for ensuring that all persons participating in the research are familiar with these.<sup>12</sup>

All research projects that are governed by the Health Research Act shall be submitted to the Regional Committee for Medical and Health Research Ethics (REK) for prior approval.<sup>13</sup>

The National Research Ethics Committees (FEK) have drawn up subject-specific ethical guidelines that provide guidance on obligations and rights related to research ethics.<sup>14</sup>

Researchers must read the guidelines for research ethics within their field of study. Researchers should also be familiar with special ethical challenges involved in research in institutions.

Persons serving a sentence are subject to deprivation of liberty or restriction of liberty, and are a vulnerable group in a research context.<sup>15</sup> This raises several important issues of which researchers must be aware. These are, for example, how recruitment and initial contact shall take place, confidentiality and non-disclosure, and assessments of competence to give consent and voluntary participation. There are more stringent requirements stating that the research shall be well-justified and described in detail, both with regard to the formulation, exercise of rights and ethics.

#### **The Correctional Service's assessment of research ethics**

The Correctional Service is responsible for striving for openness and facilitating research. At the same time, the Correctional Service has an independent responsibility to ensure that the research facilitated complies with recognised research ethics norms. The Correctional Service will therefore assess whether the research ethics in a project have been adequately described and safeguarded.

If the Correctional Service is in doubt as to whether research ethics are adequately provided

for, the applicant may be asked to obtain advice or an assessment from the relevant body. This could be the Research Ethics Committee or the Data Protection Officer at the research institution, Sikt (Norwegian Agency for Shared Services in Education and Research) or the National Research Ethics Committees.

### **Information about the research**

The right to information is a fundamental right that has solid roots in the GDPR.<sup>16</sup> This right applies regardless of whether the committee consents to participation.

Consent can only be defined as informed when the research participants have information regarding matters that involve their participation. Researchers must decide whether the information shall be provided orally, in writing or both. Information about the research must be provided in a clear and understandable language, and be adapted in terms of vocabulary, length and content. Providing information orally allows others to ask questions and opens up for dialogue-based information.

The information must clearly show that there will be no negative consequences if a person chooses not to take part. The expected benefits and value of the research should be described as specifically as possible.

If it is assumed that the research project could inflict a disadvantage on the participant, this must be clearly stated.

Employees in the Correctional Service may help provide information on the project and obtain consent before the research can start. Research participants shall not receive information on the project from or be asked to give consent by an employee on whom the participant depends.

### **Consent to take part in research**

As a main rule, researchers must obtain ethical consent from participants in research.<sup>17</sup> Ethical consent shall be given voluntarily, shall be informed and unambiguous, and must be documentable. Researchers must ensure that the participants are informed of their right to terminate participation, without having to state the grounds for this and without facing negative consequences. The participants shall have a genuine option to refrain from taking part and to withdraw, as long as this is possible in practice.

Research ethics dictate that research participation, as a main rule, shall be based on information and consent from all participants. This applies regardless of whether personal data or sensitive information are collected or whether participants are anonymised in the published research. The legal requirements concerning personal data protection are less comprehensive than the ethical obligation to inform and obtain consent.

Persons serving a sentence may feel pressure to take part in research. More stringent requirements therefore apply to ensuring that the participants have given informed and voluntary consent before the research can start.<sup>18</sup> The researcher must find appropriate methods of obtaining voluntary, informed and documentable consent, while at the same time taking into account the possibility that some persons may find it difficult to relate to or understand written information.

Employees of the Correctional Service have a duty of confidentiality and are not permitted to provide information covered by this duty to a researcher, unless the person to which the information relates has provided their consent or has issued an exemption from the duty of confidentiality. Recruitment of participants to research must be carried out in a manner that fully complies with the duty of confidentiality, and in a way that is experienced as voluntary by the participants.

According to this main rule, studies carried out after the research and as follow-up shall also be based on consent. The consent, obtained while the person is serving a sentence, shall clearly state that the participant can be contacted at a later date.

### **Research on employees**

Regulations for data protection and ethical accountability also apply to research on employees, persons on supervised professional training, etc. Employees have their own rights and must be ensured the right to free and informed consent, without pressure or expectations from superiors or other employees. Employees may have the right to confidentiality and information about research projects in which they are directly or indirectly involved.

### **Research on children**

Children who participate in research have a particular right to protection.<sup>19</sup> As a main rule, researchers must obtain consent both from the parents and from the children themselves. In some cases, children may consent on their own.

In legal terms, children generally cannot consent to sharing personal data. It may therefore be necessary to consider other bases for processing than consent, for example that the research is in the public interest.<sup>20</sup>

The best interests of the child are a fundamental consideration in all research.<sup>21</sup> Children have the right to be heard in research, and their voice is important.<sup>22</sup> The purpose and method of the research must be adapted to what is best for each child and for children as a group. The welfare and integrity of children take precedence over the interests of science and society.

Researchers must ensure that the child's best interests and the right to be heard are provided for in a proper manner.

### **Research on persons with impaired capacity to consent**

When research participants' capacity to provide consent is impaired or absent, researchers have a particular responsibility to safeguard their freedoms, rights, and human dignity.<sup>23</sup> Persons with impaired capacity or competence to consent or the capacity to refuse participation in research may be children or individuals with mental health problems, intellectual disabilities, dementia, or similar. Individuals who are incapable of providing free and informed consent may only be included in research when certain requirements are met.<sup>24</sup> When potential research participants have impaired or absent capacity to consent, consent should also be obtained from any parents or guardians. This right to information on the research applies regardless of whether the committee consents to participation.

### **Research that may inflict a disadvantage**

Researchers are responsible for avoiding exposure of research participants to harm and unreasonable disadvantages in the course of doing research. Participants may consent to a certain degree of risk of discomfort and disadvantage. Nonetheless, researchers must recognise that the framework for serving a sentence and the level of deprivation of liberty or restriction of liberty may have an effect on how the individual perceives discomfort and disadvantages. The research project must be designed to ensure minimal disadvantage for the participants. For student projects, the student supervisor has a particular responsibility in this context, and must ensure that the project is carried out in accordance with research ethics guidelines.

The disadvantages to which the informants are exposed must be reasonably proportionate to the social and scientific benefits of the study in question.

Applications will only be granted when the expected benefit and value of the research clearly exceed any possible disadvantage that persons serving a sentence and employees may experience. When the research concerns particularly sensitive topics or may constitute a disadvantage for the participants, researchers and research institutions must ensure that participants are offered relevant and professional follow-up to process or treat any harm or disadvantages resulting from their participation in the project.<sup>25</sup> With such projects, it may be appropriate to specify this in the form of a risk assessment and an emergency preparedness plan, as well as clarifying in advance who should be contacted if the duty of notification is activated.<sup>26</sup>

### **Research competence**

Persons collecting data should have the competencies required to perform this in a way that ensures minimal disadvantage for the participants. These persons should be prepared to deal with any problems that may arise, both during and after data collection. Some informants may, for example, require follow-up, or difficult situations may arise where researchers must assess their duty of confidentiality in relation to the duty of notification (see below). It is useful to have experience of the group or field to be researched, or to be affiliated with a research group with such expertise. For student projects, the student supervisor has a particular responsibility to plan data collection and provide good follow-up for both students and informants.

### **Researchers' duty of confidentiality and duty of notification**

Information obtained by researchers may be subject to a duty of confidentiality.<sup>27</sup> Researchers are obliged to prevent others from gaining access to or knowledge of such information. Violations of confidentiality regulations are a criminal offence.<sup>28</sup> A condition should be specified so that researchers have to sign a confidentiality agreement with reference to the above provisions.

In some cases, researchers may have a duty of notification. This duty is activated if researchers become aware that research participants may constitute a danger to themselves or others. In such situations, researchers must depart from the demand for confidentiality to safeguard the duty to notify. The ethical duty to notify is activated if researchers become aware that research participants may constitute a danger to themselves or others.<sup>29</sup>

Situations may also arise where researchers are legally obliged to disclose confidential

information. In such situations, researchers may have a duty to avert a criminal offense<sup>30</sup> or a duty to inform the Child Protection Services.<sup>31</sup> Researchers must decide when and how the participant shall be informed about the limits of confidentiality.

### **Research at a researcher's own workplace**

Carrying out research at your own workplace implies special challenges in terms of research ethics. Persons may find it difficult to say no to taking part in a research project if they depend on the researcher or the balance of power is unequal in the relationship.

Recruitment must be carried out in a way that ensures that participation is experienced as voluntary. Recruitment can be carried out by a representative of the management or colleagues who contact potential participants on behalf of the researcher, as an open request. Another solution may be to recruit informants from units or departments where the researcher does not work.

The information provided must state that participation is voluntary and that it will not affect the relationship with the researcher or unit/department if persons do not want to participate or later choose to withdraw. There must be a clear distinction between the role of employee and the role of researcher, and data may only be collected when in the role of researcher. Information or confidential information to which researchers have access by virtue of their role at the workplace may not be transferred to the research project without an exemption from the duty of confidentiality. Information that comes to light in connection with the research may not be transferred by the researcher to any records, archive system, processing or the working conditions in general.

### **Direct and indirect involvement**

Researchers have a responsibility towards persons who are directly or indirectly affected by the research without giving consent to participate.<sup>32</sup> It is important for researchers to pay attention to possible unforeseen effects and negative consequences of the research for persons who may directly or indirectly be affected. Researchers must be particularly aware of research ethical challenges that may arise where children, victims, next of kin, employees, survivors or deceased persons may be directly or indirectly involved.

Personally identifiable information about persons other than the research participants themselves is regarded as third-party data. This information may be both directly and indirectly identifiable. Researchers are responsible for safeguarding the interests of third parties who have not consented, and for ensuring anonymity and confidentiality. Data at group level is not defined as data about third parties. As a main rule, all third parties affected should be informed about the research.<sup>33</sup> Researchers must assess and give an account of whether it is possible or appropriate to inform and obtain consent from third parties.

### **Research methods**

Research in the Correctional Service can be conducted using recognised scientific methods. All possible ethical implications of data collection and methodology must be assessed.

Experiments that may imply a risk of harm or disadvantage to the research participants are not permitted.

As a main rule, observation shall not be used as a method. Prisons are a closed arena, and less suitable for the use of observation as a method than open arenas. Observation may only be permitted if researchers provide a thorough account of research ethics. The use of observation shall always be specifically justified, and applicants must demonstrate a particularly good understanding of the ethical challenges that may arise in practice. In the case of participatory observation, consent for the observation must be obtained from all persons concerned. If a person requested does not consent to observation, this must not result in negative consequences for the person involved. Hidden observation is never permitted in the Correctional Service.

## II. Requirements relating to applications for research

The right to apply for access to confidential information is granted to researchers affiliated with approved research organisations. Project responsibility and project management must be assigned to persons who are formally qualified for employment in positions which entail a completed doctorate (doctorate degree or equivalent). Students, normally at Master's or doctorate level, are granted the right to apply, provided they are supervised by employees with research expertise at an approved research organisation.<sup>34</sup>

Applications for research must be submitted to the region in which the application for access applies. Applications concerning research in multiple regions must be submitted to all the affected regions. An overview of the Correctional Service's regions with contact information can be found on the Correctional Service's website.<sup>35</sup>

Research projects that are governed by the Health Research Act shall be submitted to the Regional Committee for Medical and Health Research Ethics (REK) for prior approval.<sup>36</sup>

As a main rule, recruitment of informants to research projects shall be carried out by the Correctional Service. If researchers wish to recruit informants without assistance from the Correctional Service, the application must include a description of the desired procedure and the grounds for doing so.

### Contents of the application

Items that must be fulfilled in order for the application to be processed are listed in Table 2.

No.	Items in the application	Description
1.	Information on the applicant	<ul style="list-style-type: none"> <li>• Education and position</li> <li>• Role in the research project</li> <li>• Contact information</li> <li>• Any cooperating partners</li> </ul>
2.	Description of the research project	<ul style="list-style-type: none"> <li>• Project title</li> <li>• Information about who initiated the research project</li> <li>• Purpose and academic grounds for the project</li> <li>• The researcher's assessment of the utility value of the project</li> <li>• Ethical reflection related to implementation</li> <li>• Issues to be highlighted by the project</li> <li>• The type of information to which the application for access applies, including which units and the number of informants</li> </ul>

		<ul style="list-style-type: none"> <li>• Which of the Correctional Service's region(s) are covered by the application for approval of research projects</li> <li>• Which research methods are to be used, including literature reviews, and the method for data collection</li> <li>• Description of routines for storage of project data</li> </ul>
3.	Project execution	<ul style="list-style-type: none"> <li>• Progress plan, incl. project start and end dates</li> <li>• Possible linking of confidential information with other information</li> <li>• Any storage of confidential information beyond the end date of the project</li> <li>• As far as possible, provide a description of how research results shall be disseminated (e.g., in the form of reports, theses, articles, etc.), and how the results will be disclosed to the research participants.</li> </ul>
4.	Attachments to applications for research projects	<ul style="list-style-type: none"> <li>• Letter providing information to potential participants and any other persons potentially affected</li> <li>• Consent form</li> <li>• Interview guide and survey template</li> <li>• Confirmation and assessment of the project by the academic supervisor</li> <li>• Accountability and risk assessment (applies to research projects that may inflict a disadvantage on the research participants)</li> <li>• Statement from Sikt or similar bodies</li> </ul>
5.	Confirmation and assessment of the project by the academic supervisor	<ul style="list-style-type: none"> <li>• Written confirmation from the academic supervisor shall be attached to the application. Applicants without research competence are required to receive follow-up from a responsible academic supervisor with senior researcher competence. This confirmation shall provide an overview of how supervision shall be carried out and the supervisor's assessment of the project description and project execution.</li> </ul>

Table 2. Items that must be fulfilled in order for the application to be processed.

The regional office that has made the decision shall be informed if there is a need to extend the data collection period, and must assess whether such an extension can be approved. In such cases, the Regional Director is responsible for making decisions regarding extensions.

### III. Processing of research applications

#### Application deadline

In order to ensure predictability in the application process for applicants, and the need for resource management and organisation of case processing in the Correctional Service's regions, applications must be submitted in plenty of time before project start-up. A preliminary response shall be provided if the enquiry cannot be answered within one month of receipt.

Applications are processed as individual decisions.

If an application for research covers several regions, the regions can agree on who shall process the application on behalf of the regions. Separate procedures have been developed for registering and handling research applications that cover several regions. If one region chooses to reject an application while another chooses to grant a permit, the differences shall be based on local circumstances.

The regions shall endeavour to have common practice for the assessment of research applications.

### Quality assurance and assessment of applications

All attachments to the application must be submitted with the application. For applications that do not meet the requirements in Section 6 "Requirements relating to applications for research", the Correctional Service shall inform the applicant of any deficiencies and state a deadline for submitting further documentation.

A more detailed description of application assessment is provided in Table 3.

No.	Description	Responsibility
1.	<p><i>Assessment at local level</i> The Regional Director shall obtain a statement at local level (Correctional Service units) before making a decision. At local level, the regional office shall assess their capacity and resources to receive visiting researchers, and shall assess whether the project is practically feasible and justifiable in terms of safety.</p>	Regional Director Executive Officer Unit Manager
2.	<p><i>Submission to the Council for Duty of Confidentiality and Research</i> The Council for Duty of Confidentiality and Research is an advisory body for issues concerning the use of confidential information for research. Before a decision can be made to provide information subject to a duty of confidentiality for use in research or to reject a request to obtain such information, the case shall in certain cases be referred to the Council for Duty of Confidentiality and Research.</p> <p>The regions shall only submit cases to the Council that require exemption from the duty of confidentiality. However, if researchers shall directly contact persons who have not previously consented to providing information, all such applications shall be submitted to the Council.</p> <p>In cases where the region wishes to grant the application, and where the researcher has adequate professional competence and professional supervision, and the information is not regarded as sensitive, it is normally not necessary to refer the case to the Council.</p> <p>If the information to be collected is based on consent, the application is outside the scope of the Council.</p>	Executive Officer
3.	<p><i>The project supervisor shall comply with applicable laws and regulations. This includes data protection legislation.</i> All student and research projects that process personal data must apply for privacy services from Sikt (the Norwegian Agency for Shared Services in Education and Research and former NSD or Norwegian Centre for Research Data AS) for a privacy assessment. In certain cases, a separate data protection impact assessment (DPIA) must also be carried out. The Correctional Service will carry out an independent assessment of whether the project satisfies the requirements in the data protection regulations. This applies even if the project has been submitted to Sikt.</p>	Executive Officer
4.	<p><i>Security assessment</i> Directors at regional level have the opportunity to require that researchers present a certificate of good conduct from the police. The need for security measures must be assessed individually for each case.</p>	Regional Director
5.	<p><i>Research ethics assessment</i> The researcher/student is independently responsible for ensuring that the survey does not inflict a disadvantage on the participants or the day-to-day operations of the Correctional Service's units, and shall give an account of all relevant research ethics aspects involved in the project. For research that may inflict a disadvantage on those involved, the applicant must enclose an accountability and risk</p>	Researcher/research institution

	assessment covering the risk of disadvantages, and an emergency preparedness plan.	
6.	<i>Advice and guidance from a professionally competent body</i> If the Regional Director is in doubt as to whether the research project should be approved and whether it is ethically justifiable, advice shall be sought from a professionally competent body such as the NESH, Sikt or any other bodies.	Regional Director Executive Officer
7.	<i>Individual assessment</i> All applications for research shall be assessed individually. Applicants are responsible for ensuring that the application and attachments satisfy the requirements outlined. Students without research competence shall receive supervision from their research institution, which is responsible for the project's academic progress.	Executive Officer Researcher/research institution
8.	<i>Rejection</i> Applications may be rejected on ethical, security-related and capacity-related grounds. Applications may be rejected when the information provided is not sufficient for substantive processing.	Regional Director Executive Officer

Table 3. Assessment of applications.

### Contents of the decision

When the applicant does not have research competence, the decision shall be sent to the supervisor who is academically responsible, with a copy to the student. If an application is granted, the decision shall include the items described in Table 4.

No.	Items in the decision	Description
1.	Issues	A brief description of the topic, research question, institution granted permission and the duration of the project.
2.	Decision	Whether the application is granted in full or in part, and the reasons for this.
3.	Requirements on the researcher	The research shall be conducted in a responsible manner, and those affected by the research shall not be subjected to unnecessary personal disadvantage. The researcher may be asked to inform the unit, based on requirements. The researcher shall comply with the unit's security instructions. The unit will also be able to obtain information about the researcher's conduct. This is a routinely part of the security assessment. The regional office that has made the decision shall be informed if there is a need to extend the data collection period, and must assess whether such an extension can be approved.
4.	The researcher's duty of confidentiality	Information obtained by the researcher may be subject to a duty of confidentiality. The researcher must sign a declaration of confidentiality before the project starts.
5.	Storage of material	The researcher shall ensure that collected personal data is stored securely and processed in accordance with the General Data Protection Regulation. As a main rule, personally identifiable data shall be deleted when the project has been completed.
6.	Reversal	This decision may be reversed if the premises for granting the application change or the conditions for granting the application are violated. This may include e.g., violation of the duty of confidentiality, changes in capacity in the units, or that the project has been carried out in a different manner than that described in the application.
7.	Right of appeal	This decision can be appealed to the Directorate of Norwegian Correctional Service within three weeks of receipt of the decision. Any appeal will be sent to the region that has processed the application. Appeals regarding decisions on the use of confidential information for research purposes may be submitted to the Directorate of Norwegian Correctional Service. The right of appeal pursuant to Chapter VI section

		28 of the Public Administration Act covers the person whose application for research is rejected and the person protected by the duty of confidentiality, in this context inmates/convicted persons and employees.
8.	Reporting	The Regional Director shall send a copy of permits for research to the Directorate of Norwegian Correctional Service (KDI), affected regions and units and the University College of the Norwegian Correctional Service (KRUS). Researchers shall send a copy of the research report to the Regional Director, the University College of the Norwegian Correctional Service (KRUS) and the Directorate of Norwegian Correctional Service (KDI). Researchers should communicate the results of the research to the respondents and the research participants in an appropriate manner.

Table 4. Items to be included in a granted application.

## IV. Quality assurance and research dissemination

### Quality assurance

Research conducted in the Correctional Service shall comply with recognised norms for ethically sound research.<sup>37</sup> Individual researchers or research institutions are responsible for ensuring compliance with the guidelines. The research institutions are responsible for providing training in research ethics.

Research institutions shall ensure that research in the Correctional Service complies with fundamental principles for good research practice, including reliability, honesty, respect and accountability. The research shall fulfil formal statutory requirements, recognised scientific principles and internal routines and guidelines.

The Correctional Service is responsible for providing guidance on the Service's regulations and requirements relating to applications for research. Research institutions are responsible for supervising students, etc. in the preparation of project descriptions, ethical reflections and literature reviews.<sup>38</sup>

### Dissemination of research

Researchers and research institutions have a responsibility to disseminate scientific results, methods, and attitudes from their own and others' research to society at large.<sup>39</sup> Furthermore, researchers have the right to choose their own publication channel, and are free to publish their findings/analyses without interference from commissioning parties and other agencies.<sup>40</sup> This also applies to internal researchers, who have an independent, free and autonomous right to publish and disseminate their own research findings.<sup>41</sup> Dissemination of research includes dialogue across disciplines, interaction with different actors in society, and participation in public debates.

Research institutions shall facilitate dissemination of research and other forms of dialogue and interaction. Researchers and research institutions shall, and preferably in dialogue with the Correctional Service, be free to include scientific results, working methods and attitudes in the public debates.

Researchers and research institutions conducting the research have a particular responsibility for how research results are disseminated and, to a certain extent, how they are interpreted by others. Researchers and research institutions also have a particular

responsibility for assessing how results are disseminated to participants in research projects.

## Notes

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- <sup>1</sup> This general principle is in line with item 34 of the Guidelines for Research Ethics in the Social Sciences and Humanities, which concerns the relationship between researchers/research and public administration. The guidelines are published by the National Committee for Research Ethics in the Social Sciences and the Humanities (NESH).
- <sup>2</sup> Reference is made to chapter 5 of the Circular, and the NESH's research ethics guidelines, detailed in item 17 Protection of children.
- <sup>3</sup> Cf. Section 13 d of the Norwegian Public Administration Act.
- <sup>4</sup> Cf. paragraph 14 of the NESH guidelines.
- <sup>5</sup> Sikt is a service provider to the knowledge sector, and facilitates the sharing of resources, services, information, research data and personal data within a secure framework.
- <sup>6</sup> Cf. *Instructions for data controllers in the Correctional Service* dated 16.12.2021. (Internal case no. DL 20189876-21)
- <sup>7</sup> Go to Lovdata.no: <https://lovdata.no/dokument/DEL/forskrift/2023-03-23-425>
- <sup>8</sup> Go to the Norwegian Data Protection Authority's website: <https://www.datatilsynet.no/rettigheter-og-plikter/virksomhetenes-plikter/databehandleravtale/>
- <sup>9</sup> The template for joint data control is under development and will be completed in 2023.
- <sup>10</sup> Cf. Section 5 of the Act on ethics and integrity in research.
- <sup>11</sup> For more information, go to <https://sikt.no/samtykke-og-andre-behandlingsgrunnlag>
- <sup>12</sup> Cf. Sections 4 and 5 of the Act on ethics and integrity in research.
- <sup>13</sup> Cf. Section 3 of the Health Research Act .
- <sup>14</sup> Go to <https://www.forskningsetikk.no/>
- <sup>15</sup> Belmont Report (1979), Declaration of Helsinki (2009), CIOMS (2002)
- <sup>16</sup> Cf. articles 13 and 14 of the General Data Protection Regulation.
- <sup>17</sup> Cf. par. 15 of the NESH's research ethics guidelines.
- <sup>18</sup> <https://sikt.no/fengsel-og-kriminalomsorg>
- <sup>19</sup> Cf. par. 17 of the NESH's research ethics guidelines.
- <sup>20</sup> Cf. articles 6 and 9 of the General Data Protection Regulation.
- <sup>21</sup> Cf. the UN Convention on the Rights of the Child, Article 3 and Article 104, first paragraph of The Constitution.
- <sup>22</sup> Cf. the UN Convention on the Rights of the Child, Article 12 and Article 104, first paragraph of The Constitution.
- <sup>23</sup> Cf. par. 16 of the NESH's research ethics guidelines.
- <sup>24</sup> As described in paragraph 16 of NESH's research ethics guidelines and in the guidelines for inclusion of adults with impaired or absent capacity to consent in health-related research.
- <sup>25</sup> Cf. paragraph 28 of the NESH guidelines.
- <sup>26</sup> Cf. paragraph 22 of the NESH guidelines.
- <sup>27</sup> Cf. Section 13 e of the Norwegian Public Administration Act.
- <sup>28</sup> Cf. section 209 of the General Civil Penal Code.
- <sup>29</sup> Cf. par. 22 of the NESH's research ethics guidelines.
- <sup>30</sup> Cf. section 196 of the General Civil Penal Code.
- <sup>31</sup> Section 6-4 of the Child Welfare Act.
- <sup>32</sup> Cf. par. 26 of the NESH's research ethics guidelines.
- <sup>33</sup> Cf. article 14 of the General Data Protection Regulation.
- <sup>34</sup> <https://www.forskningsradet.no/sok-om-finansiering/hvem-kan-soke-om-finansiering/forskningsorganisasjoner/godkjente-forskningsorganisasjoner/>
- <sup>35</sup> <https://www.kriminalomsorgen.no/regionskontor.535816.no.html>
- <sup>36</sup> See also Chapter 6.
- <sup>37</sup> Cf. Section 1 of the Act on ethics and integrity in research, and Chapter 5 above
- <sup>38</sup> Cf. Chapter 5.
- <sup>39</sup> The paragraph on research dissemination is based on the NESH guidelines.
- <sup>40</sup> Cf. paragraphs 42-43 and 45-50 of the NESH guidelines.
- <sup>41</sup> Cf. paragraph 43 of the NESH guidelines.