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Ambient Assisted Living user interfaces

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Abbreviations

<i>Abbrev.</i>	<i>Description</i>
AAL	Ambient Assisted Living
AAL JP	Ambient Assisted Living Joint Programme
AALuis	Acronym of this Project – Ambient Assisted Living user Interfaces

1 About this Document

1.1 Role of the deliverable

The ethical manual is a basic document for the AALuis Project. Especially, it builds the basis for all task where user are involved.

The guideline must be strictly adhered to in the next 3 years.

1.2 Relationship to other AALuis deliverables

The deliverable is related to the following AALuis deliverables:

<i>Deliv:</i>	<i>Relation</i>
WP 6	Pilot/Fields Trial: The ethical manual regulates the handling of test persons and personal data.

2 Introduction

There exist many forms of information retrieval for scientific purposes. In the past years internet based technologies and other interactive media fostered the use of many different new channels.

The aim of this manual is to increase the mutual trust among project partners and especially between the project and all external subjects involved in the project, in particular test-subjects. Furthermore this manual aims to make scientists aware of their responsibility regarding their research work and possible impacts of the outcome.

User involvement is a widely accepted principle in development of usable systems. However, it is vague concept covering many approaches. This manual first clarifies the nature of user involvement and its expected benefits, and secondly reviews three streams of research, to evaluate the benefits and problems of varied user involvement approaches in practice. The particular focus of this study is on the early activities in the development process.

An analysis of the literature suggests that user involvement has generally positive effects, especially on user satisfaction, and some evidence exists to suggest that taking users as a primary information source is an effective means of requirements capture. However, the role of users must be carefully considered and more cost-efficient practices are needed for gathering users' implicit needs and requirements in real product development contexts.(Kujata 2003)

2.1 Background

The Manual is for the study of the research project AALuis, which will be described later on. The project is financed by the European Union (EU) within the AAL Joint Programme and national authorities of the single countries represented in the consortium (National Contact Points).Scope of this delivery

This manual contains, based on national law and the guidelines of the EU, the code of conduct for the researchers, developers and administrative persons and also the guidelines for the probationers. It gives you information about the accepted national ethical position in relation to tests with humans. If there could be doubts it orients on stricter EU or international guidelines. So it gives the scope for the project partners. The manual refers to the main laws in relation to data security. This is to be sure, that all project sharers do have a maximum on data security during the project and after it.

2.1.1 Scope of the Manual

This manual builds a framework for the self-regulation for all people working within the AALuis Project. Writing this manual will help to achieve the following goals

- Verbalizing of ethical guidelines that are compulsory for all people working for this project
- Increasing the trust among all people collaborating within the AALuis project such as researchers, developers, test persons, etc. by guaranteeing to base all work on this codex

- Acceptance and appreciation towards the opinions and outcomes of the user involvement
- Accordance with and observation of national and international laws and instructions in relevant areas

2.1.2 Principles of the Manual

This manual is based on the following issues

- People working for this project have to perform their work following the relevant guidelines and national law.
- People working for this project have to behave ethically correct in a way not harming this project, any of the project partners or the field of research in general.
- Project members have to encounter people of the target group in a respectful way.
- All people participating in interviews and tests do this of their own choice. Their participation consent has to be based on rich and easily comprehensible information on the project and their involvement.
- All rights of the test subjects have to be granted all the time by the project coordinator and the employees working on the project. No actions should be taken that could harm or wrong the test subjects neither direct nor as a consequence of a participation in a test or interview.
- Data protection has to be guaranteed throughout the project. Personal data must not be used outside this project.
- Project members have to document and conduct their work in an exact, transparent and objective way.

2.1.3 Scope of this Manual

This ethical manual is a basic document for all people working with AALuis. It has to be seen as a binding document of existing ethical guidelines, principles, laws and interpretations that are available to the different partners throughout the participating member's states of the European Union.

2.1.4 Interpretation

All AALuis partners have to agree on the content of this manual to be valid for their employees.

2.2 Definitions

2.2.1 Test phase

The "test phase" is a defined period of time where developed items or methods (in this case "services") are tried out in a practical way. For this testing, statistic and analytical methods of science will be used to gather information and knowledge on the applicability and suitability of the methods and items to ease decision making for further developments.

Any outcomes of the test phase will be made public only in a way that was agreed on within the informed consent.

2.2.2 Test leader

The test leader is an organisation, represented by a person that is responsible for the organisation and execution of certain tests. This role can vary from test to test.

2.2.3 Interviewee

An interviewee is any person or organisation from whom data and information is collected in an structured way, other then by practical testing with devices and/or services

2.2.4 Interview

An Interview is defined as every form of contact with an Interviewee to collect information and data to achieve a certain interview goal.

2.2.5 Test Subject

Is any person being involved in practical trials for trying out software and hardware of the project in order to give /collect feedback and experiences about the tried out device or service.

2.2.6 Test

A test is the attempt to try out developed items and services in a practical way to gather information about the applicability, usability and operability.

2.3 Principles

This section is divided in basic ethical principles and general principles.

2.3.1 Ethical Principles

The most basic principles are the four principles of biomedical ethics, composed by Beauchamp and Childress (Beauchamp et al 2008).

Beauchamp and Childress' Four Principles is one of the most widely used frameworks and offers a broad consideration of medical ethics issues generally, not just for use in a clinical setting.

The Four Principles are general guides that leave considerable room for judgement in specific cases.

Respect for autonomy: respecting the decision-making capacities of autonomous persons; enabling individuals to make reasoned informed choices.

AALuis: We will respect all decisions about participation / non participation in the project and also use/ non-use of our developed technologies. We will provide information in an appropriate way, including information about risks and possibly arising problems.

Beneficence: this considers the balancing of benefits of treatment against the risks and costs; the healthcare professional should act in a way that benefits the patient

AALuis: We will only do user-testing in a stage when we are sure that our prototypes are ready for those tests.

Non maleficence: avoiding the causation of harm; the healthcare professional should not harm the patient. All treatment involves some harm, even if minimal, but the harm should not be disproportionate to the benefits of treatment.

AALuis: Participating in user trials is always connected with a certain effort requested by the test subjects. AALuis aims to create valuable information out of the user involvement while keeping the efforts of the user as minimal as possible.

Furthermore, the AALuis team will try to make the user involvement also interesting and pleasing for the test subjects.

Within AALuis only prototypes will be tested, major errors and failures are tried to be eliminated by lab-trials in advance to minimize the burden on the test subjects.

Justice: distributing benefits, risks and costs fairly; the notion that patients in similar positions should be treated in a similar manner.

AALuis: We want to deliver as much of the gained knowledge to the public by dissemination and exploitation purposes. The core of the project will be available as open source to allow also other people to create a benefit for the society out of it.

The developed business models aim to bring the results of the project to a wide market with benefits to several stakeholders, but in particular to deliver services that could bring a benefit to elderly people.

2.3.2 General Principles

The project handling, especially the tests, have to be legal, candid, honest and objective and they have to be organized and executed following academic principles.

The rights of the testers have to be considered, especially by the project coordinator and his employees. They are not allowed to do anything which could harm the test subjects while joining the project or an associated test.

The execution of the project has to be done in a responsible way and common ethical rules of business have to be fulfilled.

The test phase has to be separated clearly from non-research activities, in particular all activities that are connected to exploitation and commercialisation.

2.3.3 Integrity

The confidence of the test-subjects towards the AALuis Projects and its partners should not be betrayed by the construction, execution or interpretation of the tests and interviews. In particular assumptions on the abilities, experiences and activities of the target group that are not approved and might lead to a negative view on the target group have to be avoided. Thus test situations, interviews, etc. have to be designed in such a way that they do not aim to collect negative data of test subjects just because of their limited experience or knowledge in this research domain.

2.3.4 Responsibility

All test-subjects and interviewees participate in the AALuis project on a voluntary basis in each single situation. Thus, test-subjects and interviewees should not be misguided in any situation.

The test leader and all other people involved in the AALuis project, such as developers, have to take all appropriate precautions to ensure that the involved persons are not harmed or wronged in any way as a consequence of their voluntary participation.

The project partners are not allowed to criticise other researchers without a reason.

2.3.5 Transparency

The test situation and the scope of the research have to be explained at the beginning of each test/interview situation.

It has to be easy possible for the test subject / interviewee to get accurate information about the identity, background and aims of the project.

If wanted, test subjects/interviewees are allowed to approve the quality of the testing externally (on their own costs). Technical details have to be provided as far as needed and going along with the IPR protection within the project.

The test leaders have to assure that the user involvement is planned, executed and documented in an exact, transparent and objective way.

2.3.6 Technique of monitoring

Interviewees/tester have to be informed before the test starts, on which types of monitoring or which recording instruments for research will be applied. , except they are used in a public area and no personalized data is collected. This data or the relevant part of recordings has to be deleted/destroyed if the tester requests it. If there's no special agreement to the contrary of the tester, their identity has to be protected at all times.

3 Project Description (AIT)

The goal of the research project is the simplification of various services on different user interfaces. That is to guarantee that further users are able to use them in their preferred way. So they will become more independent of specific providers. In this project the researchers will develop new services and user interfaces for demonstrating usage. Likely end-users will be included into developing processes from the beginning until the end.

Target group: The persons have to be older than 65 years and , normal age related forgetfulness aside, cognitive healthy.

The main goal of the project is to boost the life quality of elderly people.

3.1 Tasks with user involvement

The goal of user-centred design is the development of usable systems (Gould and Lewis 1985, Karat 1997). One of the principles of user-centred design is the early and continual focus on users, and it is generally agreed that usability is achieved through the involvement of potential users in system design (Karat 1997, Wilson et al. 1997, Bekker and Long 2000).

As user needs and use contexts became increasingly important in system development, ISO 13407 (1999) recommends the active involvement of users for understanding user and task requirements. Karat (1997) describes it in this way: 'We don't consider usability as limited to the display and keyboard interface between human and machine, but rather we recognise that it encompasses how any artefact fits into a complex work or home environment'. Thus, it is apparent that documents are insufficient as sources of information and direct contact with users is crucial in order to understand the various contexts of use. Moreover, in theory, user involvement is most efficient and influential in the early stages of system development as the cost involved in making changes increases during system development (cf. Ehrlich and Rohn 1994, Noyes et al. 1996).

On the other hand, a clear definition of user involvement is lacking. It has been used synonymously with 'focus on users' (Wilson et al. 1997), 'consulting end-users' (Noyes et al. 1996), 'contacting with system users' (Grudin 1991a), and 'participation of users' (Heinbokel et al. 1996). User involvement can be seen to be a general term describing direct contact with users and covering many approaches. For example, in participatory design, users take active roles in many design activities, but in other approaches users are involved as providers of information, commentators or objects for observations. The level of user involvement can be broadly characterized as being somewhere on the continuum from informative, through consultative to participative (Damodaran 1996).

One of the difficulties in involving users and understanding user requirements is that part of the users' knowledge has become tacit through automation (Wood 1997). In well-learned tasks, much of the relevant knowledge is no longer consciously available for the person and everyday self-evidences are difficult to articulate. Thus, the type and level of user involvement need to be carefully considered. A promising approach is to perform field studies, whereby qualitative methods are used to study users and their activities in their own environment (cf. Bly 1997, Wixon 1995). Users do not need explicitly to articulate their needs, but the underlying problems and possibilities are understood by studying the future context of use.

The goal of user-centred design is the development of useful and usable products. There appears to be no agreed definition or process for it (Karat 1997). However the principles that Gould and Lewis (1985) present are generally accepted.

The principles are:

- (1) Early focus on users and tasks.
- (2) Empirical measurement.
- (3) Iterative design.

The principles include the idea of user involvement: Gould and Lewis (1985) recommend bringing the design team into direct contact with potential users, as opposed to hearing or reading about them through human intermediaries. The second principle implies that, early in the development process, intended users should use simulations and prototypes to carry out real work, and their performance and reactions should be observed, recorded, and analysed.

Usability engineering tends to overlap with user centred design and the two are often used interchangeably (e.g. Mayhew and Mantei 1994). Wixon and Wilson (1997) define usability engineering as a process for defining, measuring, and thereby improving the usability of products. Methodological approaches to usability engineering have been introduced by a number of authors such as Mantei and Teorey (1988), Nielsen (1993), and Mayhew (1999).

Design Iterations

Within the AALuis projects two design iterations are planned. In the first phase the general ideas and needs of the stakeholders are requested, in the second one, when a first prototype is available, their input is requested for further improvements of the existing prototype

3.1.1 Requirements

Within the Requirements phase, different stakeholders will be involved. The focus is on the two target groups, but also other stakeholders will be involved. Stakeholders such as Computer Graphics developers will be contacted by written interviews.

Members of the target group will be involved using cultural probes.

3.1.2 Early prototype testing

Already during the development stage it can be necessary to involve first users of the target group to get an early feedback on the ideas and functionalities developed. Especially in this stage we will focus on more experienced users that might have already had experience in user testing to get a more concrete feedback.

3.1.3 Field Trials

Especially during the second development cycle, also field trials are planned. These trials should allow a testing of the developed services and user interfaces over a longer period.

All in this project collected data and information are handled in accordance with national data protection regulations. Subsidiary Directive is 95 / 46/EC of the European Parliament in the latest version. If within the Project duration a veritable change in the features of the European or national legislation on data protection occurs this will apply, since all the project partners agree to the current status. Test takers can demand the respective last

valid data protection law at the national or EU level if this demand is in the interest of the test subscriber and the old legislation do not represent a disadvantage.

On the protection of individuals with regard to the processing of personal data and on the free movement of such data (EUR-Lex-1)

3.2 National Guidelines

Since the majority of the project, at least the test phase, is conducted in Austria and so on basis of Austrian law, the provisions of the Austrian Data Protection Act (Appendix A, in the current version) is applicable to the project and the project-partners

3.2.1 Austria

In ethical questions there is no uniform legal regulation of decent behaviour and moral integrity. The following Austrian law and its regulations give the outer frame for the project partners in the implementation of the project AALuis apply:

Bundesgesetz vom 2. März 1983 über die Herstellung und das Inverkehrbringen von Arzneimitteln (**Arzneimittelgesetz**) in der aktuellen Fassung.

LeitEKV Verordnung der Bundesministerin für Gesundheit und Frauen betreffend die besonderen Anforderungen an Ethikkommissionen im Rahmen von multizentrischen klinischen Prüfungen (Leit-Ethikkommissions-V), Stammfassung BGBl. II Nr. 214/2004

MPG Bundesgesetz betreffend Medizinprodukte (Medizinproduktegesetz - MPG) in der aktuellen Fassung

KAKuG Bundesgesetz über Krankenanstalten und Kuranstalten (KAKuG) in der aktuellen Fassung

GuKG Gesundheits- und Krankenpflegegesetz in der aktuellen Fassung

DSG Bundesgesetz über den Schutz personenbezogener Daten (Datenschutzgesetz 2000 - DSG 2000) in der aktuellen Fassung (engl. Data Protection Act) is the implementation for the Directive 95/46/EC.

GTelG Bundesgesetz betreffend Datensicherheitsmaßnahmen beim elektronischen Verkehr mit Gesundheitsdaten und Einrichtung eines Informationsmanagement (Gesundheitstelematikgesetz - GTelG), Stammfassung BGBl. I Nr. 23/2008

UG Bundesgesetz über die Organisation der Universitäten und ihre Studien (Universitätsgesetz 2002) in der aktuellen Fassung

The project as a whole does not underlie the approval of the ethic commission such as for medication testing or other special projects in the field of ICT.

The consultation of an ethical commission for filing an appeal by a test subject is acceptable. Which commission is responsible for such a consultation depends on contextual and areal obligations. The applicability results of the specially and contextual appeal, analogically to the legal competence.

For developments, also the statement of the Austrian "Bundeskanzleramt" (chancellor's office) on ethical Aspects of the development and use of Assistive Technology will be considered.

This statement contains several topics on the use of an application of assistive technology, whereby a strong focus is put on medical devices that do not fit directly in the scope of assistive technology, such as respiratory assistive devices.

3.2.1.1 Responsibility

Within the field of AT “responsibility” covers different areas that have to be taken into account:

Responsibility concerning the appropriate use of the Technology:

Responsibility within the legal scope: Who is responsible for upcoming failures and errors of the tested AT, in particular if users are dependent on the use of the AT or the dependence on another person (i.e. Helpdesk, teleconference, etc.)?

A special focus has to be put on the “delegation towards the machine”, When monitoring is performed / assisted by technical devices – in particular concerning the medical observation and whether it can be performed with the complete noticeability by using ICT based solutions.

Beside the ethical aspects for the elderly person itself, also the ethical aspects for their relatives have to be taken into account, especially those of informal caregivers. Is there an additional burden that is put on the caregivers, and how to deal with medical issues that normally are observed within the scope of clinical personal? Might there be any shift of duties? What are the consequences of a misinterpretation or misuse of the AT? Who can be judged for this?

Special attention has to be put on the usage of call-centres, in particular concerning care interventions – when care interventions are requested. It has to be defined for which areas the call centre is responsible, an appropriate qualification of the call-centre agents has to be guaranteed.

3.2.1.2 Autonomy

There is an intense area of tension between autonomy and care concerning the use of Assistive Technology. On the one hand side, AT enables user to be more autonomous, on the other there is the risk that this goes along with less personal contact.

This is also shown in the “Quad of Care” by Riederer 1999:

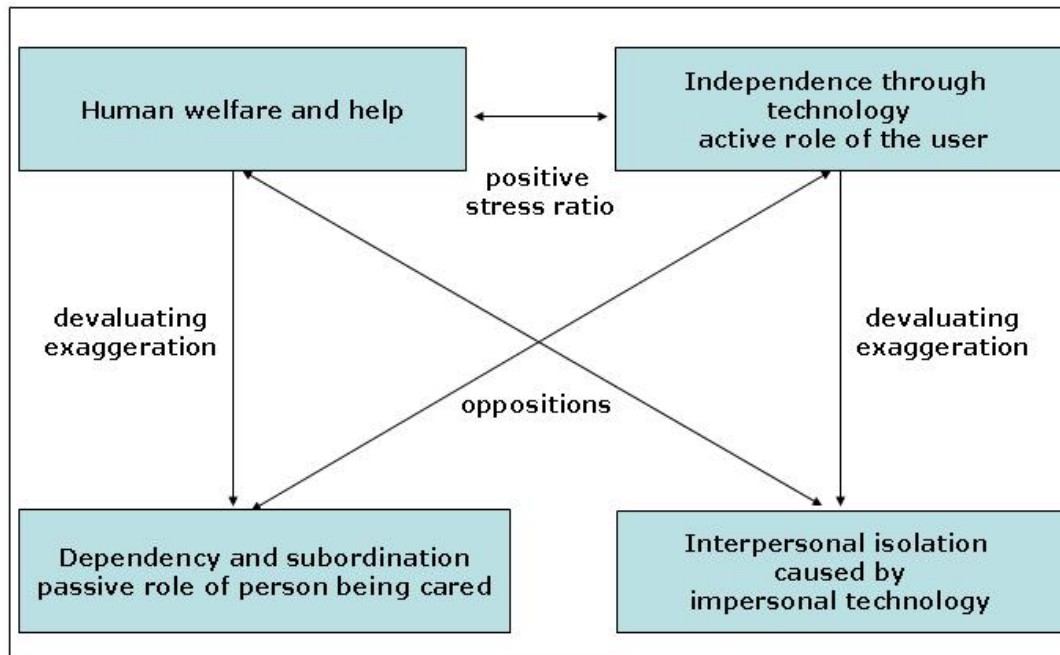


Figure 1: Quad of care (Riederer 1999)

The graphic shows a quad of values. On the left hand side the possible effects of human care are given, on the right hand side the ones of technical care. On the upper half positive values which have a positive stress ratio are placed: Human welfare and help (left) and Independence through technology, active role of the user (right). A unilateral devaluation exaggeration leads to the negative values placed on the lower part of the quad: Dependency and subordination, passive role of person being cared (left) and Interpersonal isolation caused by impersonal technology (right). Anticlimaxes of caring are placed in opposite corners.

(Morandell 2007)

At the moment, when institutionalized care is shifted to home-care, the dependency on informal caregivers increases. Thus it has to be observed, whether the person of care really wants this shift of dependency.

3.2.1.3 Isolation

An overuse of ICT, especially for people with reduced mobility, can lead to less direct social contacts. Of course, ICT can substitute or allow certain social activities, but there is also the risk that these contacts just remain virtual and less personal contact occurs. Thus an information about this risk is important- finally it is a personal decision how much ICT is used to enhance virtual & personal contacts.

3.2.2 Germany

German law will be treated if user trials are planned to take place in Germany.

3.2.3 The Netherlands

Dutch law will be treated if user trials are planned to take place in Germany.

4 Ethical documents

This chapter introduces documents that are necessary for ensuring the adherence to the presented ethical guidelines. It is important to inform the volunteer test persons about all aspects of the research, their input and the accordant data management.

4.1 General

The AALuis consortium guarantees that no research with the participants will be conducted without assuring and obtaining an informed consent. Informed consent is the process by which a participant will be fully informed about the research that the participant will be involved in. It originates from the legal and ethical right participants have to direct what happens to them and their personal data and from the ethical duty of the investigators to involve the participants in research.

To guide the process of informed consent, a number of forms comprising an information letter, authorization statements and release forms will be prepared and will be employed in the studies. In order to assure that no misinformation and manipulation can occur, only qualified personnel will conduct the studies. All documents will be translated to the native language of the participants. The responsible researchers will read the documents of the informed consent together with the potential participant. It has to be assured that the participant understands what will be expected before the participant signs the informed consent. This means that the potential test persons:

- Understand the purpose of the project and the consequences of participation
- Can assess their situation
- Can make an independent and voluntary decision whether to participate on the basis of information supplied and their preferences and values
- Voluntary communicate their decision

4.2 Informed Consent Document

The Informed Consent Document has to provide all relevant information to the potential participant before signing it and starting the tests. For this reason the informed consent describes the following aspects:

- Title of the project and funding body
- Project goals and purpose of research, expected duration
- Participation conditions and procedures
- Possible risks and benefits to the participant or to others which may reasonably be expected from the research
- Explanations on confidentiality (and limits) of the data;
- Right to decline participation and to withdraw from the research at any time
- Consent to be invited again for upcoming studies
- Contact person for questions about the research in general and the specific study

Due to a broad variation of user involving methods applied in the AALuis project the information for the informed consent has to be updated for every study.

After giving consent to participate in a specific study every test person receives a complete copy of the informed consent document in case of further questions coming up later. If a test person is invited for several studies, e.g. to conduct various iterations of usability tests and to take part in focus groups, s/he has to give consent for every participation again. Former consent does not apply anymore as studies are different and test conditions can differ too.

The complete informed consent can be found in Appendix B.

4.3 Information Letter

If the first user involving task show that the information given in the Informed Consent is not enough an Information Letter will be created for any further user contact.

Additional to the brief description of the project goals mentioned before in the informed consent every participant of the studies will receive an information letter where a more detailed introduction to the AALuis project is given. By this means the potential participants get the chance to understand the whole scope of the project. If someone does not want to support the general research project goal for whatever reason s/he finds all relevant information in the information letter.

The complete information letter can be found in Appendix **Fehler! Verweisquelle konnte nicht gefunden werden..**

4.4 Data Protection Agreement for AALuis partners

People participating in research have the right not to have their identities or the organisations to which they belong revealed. Data protection implies informing the participants about who has access to their data and what may be done with their data. It also implies that the project partners handle the collected data with care and according to relevant guidelines (see chapter 6).

The Data Protection Agreement is a document that will be signed by all project partners to assure that the recorded data will only be used for the foreseen research objectives.

5 Ethics in Practice

The use of assistive technology can enable older people to live longer in their private homes without outside assistance. This corresponds according to a number of research results to the wishes of most people.

The use of assistive technologies strengthen the autonomy and leads to a reduction of dependence on relatives or professional carers but also has its price. While many technical aids can be seen as ethically essentially harmless (such as intelligent lighting systems and mobility aids) especially those technologies represent an ethical challenge, where it comes to monitoring or to a restriction of personal freedom (about access control systems or surveillance cameras). In many cases it involves a balancing of interests between the benefits of greater autonomy from other people and the disadvantages of limiting the autonomy of technical systems. We have similar problems in other sectors of society about the tension between freedom and security in public video surveillance and personal checks at airports, etc.

The balance between the alternatives will vary from person to person. From an ethical point of view, therefore, the decision must remain with the person concerned. The duty of those who bring such technologies to use is to inform individuals in detail about the effectiveness of the technologies, to enable them to make these decisions based on secure foundations. The consent of the individuals concerned and information about the technologies and the voluntary nature of participation are therefore key elements of the concept of AALuis.

A second ethical challenge arises from the protection of data generated with the help of technology. These usually make it possible to give third parties an insight into very personal aspects of those affected. Again, a balancing of interests is necessary. Ideally, systems should be designed so that they make it possible to interact directly with the person and get the data not to third parties. In some cases (such as the measurement of health data) an evaluation by an expert cannot be avoided. In such cases strict data protection rules are necessary, the use of data must be transparent for the customers and they must explain their explicit consent.

The participation of humans in the AALuis project as test persons brings following further problems:

- Discrimination due to the selection within the target group „seniors “by age specific, the education conditions corresponding, habitude-concerned and local differentiations as well as due to distinctions in purchase from the social circumstances the test person regarding their social position, their family status and/or on their direct personal surrounding field (friend circle, life habits etc.)
- Refreshing the test results with aforementioned aspects of discrimination saves the danger of the categorization of individual groups within the Target group seniors with assignment of different mental and physical capacities.

5.1 Recruiting of Volunteers

Older humans are subject to physical changes. The cognitive and sensory potentialities differ pronouncedly from younger humans. As a rule a disadvantageous process of physical degeneration can be observed, especially when the adaptability to new

technologies and developments is concerned. This decline cannot be compensated as in many other areas.

However, with the development of the interface, the resulting GUI and the services as well as with the intended applications, the AALuis project targets exactly at compensating for this cognitive and sensory loss. Accordingly, it is inevitable to involve in the tests persons from this target group. If the interface, the GUI and the services prove to be suitable for this target group, it is seen as a particular advantage that at least the interface and the GUI can be recommended at the same time also for other subpopulations...

5.2 First and second user trial

Already early in the project, users will be involved by means of workshops to present the planned way of user interaction using existing prototypes and/or mock-ups and secondly to show how the planned services will work. The aim is to get an early feedback and to avoid major mistakes.

The first evaluation of the functioning prototypes will be lab-based. Trainers for these test trials will be instructed by the technical partners. The usability tests will take place in facilities that are upgraded with mobile tracking equipment in order to allow in depth usability testing.

The second trial phase will be organized in form of field trials. Therefore the users of the two different groups will receive the appropriate devices to evaluate them.

Supervisor persons will be trained on the systems and on ethical issues. A hotline will be installed for any user requests.

The user experiences will be evaluated using different techniques such as questionnaires or failure protocols in form of log files as well as experience sampling methods and interviews respectively.

5.3 Test evaluation

During the tests with seniors, the project workers and participants (testers) must proceed with special care. As far as seniors are under tutelage or permanently attended by third persons, their agreement for the participation in the AALuis project is also obligatory.

Major parts of the following sections have been taken from the "Guidelines for Test: Purity in the commercial communication" from the Swiss Commission for Purity. Those guidelines mainly try to assure a transparent dissemination of test results. (Lauterkeit 2001)

5.3.1 Publication of results

With the reporting of results from the AALuis partners the researchers have to differentiate clearly between the results, the interpretations by the researchers/developers and all referring recommendations. If any results are published by a project partner of the research project, she/he must be asked to include the implementing researcher/test leader concerning the form and contents of the publication. In addition, the data security agreement within the project partners must be observed.

The project workers and participants (tester) must always be able to make the necessary technical information accessible, in order to allow the evaluation of the validity of the published results.

Project workers and participants (tester) may not permit that any materials published in connection with dissemination of conclusions and results from the research project where an personal identification is possible. If such a publication is planned, participants may grant these publication rights explicitly.

5.3.2 Responsibility

Researchers carry the total responsibility to ensure that the research has been accomplished in agreement with this Codex and third persons attending the research agree to the requirements of the Codex.

Effectiveness of subsequent clearing of offences

Additional corrections and/or appropriate clearing of an offence against this manual by the responsible party are desirable, but is no apology for the offence

5.3.3 Implementation

The manual and the principles listed therein should be recognized and converted nationally and internationally by the concerned local AALuis project partners. If appropriate, the manual should be used also in all phases of the AALuis project of the project partners and individuals involved.

Providers, researchers and clients should be familiar or become acquainted with the manual and with other important local documents, in particular the legal situation regarding the national data security (see legal conditions in Austria)

5.3.4 Meaning of the test nature

Today, the test nature plays a central role in the markets for goods and increasingly also for services. The functioning of the competition on a certain market is - among other things - directly dependent on sufficient information for the market participants. In their purchase decisions consumers frequently orientate themselves also on the result of accomplished and published tests and/or on product advertising with test results.

5.3.5 Clashes of interests

For this reason tests and their results - particularly with publication within a larger framework – can affect the market considerably. The interests of the different market participants - in addition, the test organizer and test publisher - diverge regularly.

The following tendencies are in a conflicting situation:

- the (public) interest of the consumers in a preferably “non filtered” information on the characteristics of products;
- the interest of the product manufacturers and providers in positive reporting on their products;
- the interest of the test organizers in tests, which are feasible with a justifiable expenditure, connected with a certain publicity of these tests.

5.3.6 Legal regulation

Actually, the test nature has not experienced any specific legal regulations.

First of all, basic freedoms like freedom of opinion and information, are in a constitutional status.

The test nature regulations are mainly determined under the federal law against unfair competition (UWG). The frequent wide and undetermined versions of many terms of the test nature within the UWG call for concretising and casuistic.

The consumer information law (KIG) concretely points to the completion of tests, where in art. 6 and 7 certain requirements for tests (organises of tests respectively) are listed, It's execution is financially supported by the federal government.

The Federal law on the technical barriers to trade (THG) refers in art. 7 ff. to the federal assembly's determination of testing and validation procedures (including the requirements for the entrusted bodies).

Finally, the test nature is addressed punctually in the special legislation, for instance in the Federal law on the security of technical equipment and devices (STEG).

5.3.7 Area of application

Keeping the interest of information, the execution and publication of comparative tests, single tests and samples serve for that purpose to clear up the addressed consumers about the characteristics of products offered on the market (goods and services). In the same way, an appropriate basis for the acquisition of a legal transaction is to be communicated.

In principle, the term 'test' denotes the determination of one or more characteristics of a certain product, technique or service according to regulated and suitable procedures.

Thereby the following terms are to be differentiated: Comparative tests: Based on an adequate selection; the selected products are tested in the same substantial characteristics. Single test: An individual product is tested in substantial characteristics.

Samples: According to the coincidence principle individual products are selected and tested according to individual characteristics. Pure consumer inquiries without neutral testing arrangement must not be qualified as tests according to these guidelines. The requirements stated in these guidelines are addressed both to the organizers of tests as well as to their communicators.

The main part of the guidelines is three-divided into:

- 1) - Guidelines, which generally apply to tests;
- 2) - Requirements of the procedure with tests (again divided in test procedure and - publication) as well as
- 3) - Guidelines particularly for commercial communication with tests by the providers

The guidelines are based upon an extended definition of the test:

Not only “classical” goods test, in which several products are compared with one another concerning various criteria, are included but also single tests (only one product, e.g. a certain automobile, is tested) and samples (arbitrary-subjective selection of individual products and their test concerning individual characteristics; this sample term is to be differentiated from the “scientific” sample term, declaring that each test ultimately becomes a sample). Tests are also included, where only a few or only one characteristic of a product are examined (a substantial characteristic of a product is its price).

Pure opinion polls without neutral test arrangements, editorial reports or reader letters about personal experiences with a product do not go well together with the term “test”. Using the expression “test” for such provisions is even misleading. Finally not only conventional goods tests are concerned but also the tests of services are constantly increasing in meaning (e.g. offers of banks, insurances, tour operators).

Often, within guidelines the average consumer is addressed. In connection to this it is to be noted that they can also be specialists, depending upon tested products. In this sense the term of the addressed average consumer is to be understood relatively. Goal of the guidelines is primary to record in the sense of a kind of check list the legal requirements regarding the test nature and to concretize and casuistically illustrate in particular the generalities which were rules of the UWG.

5.3.8 Test Criteria

Neutrality

1) Independence

No influence on the data third parties on the test result or

2) Co-operation

no co-operation of testers and testing, e.g. by influencing the selection of test items or the evaluation of the test results.

The interviewee/test subject has the right to ask any questions about the project and is free to gather further information. These attempts do no harm the principle of neutrality.

3) Competency

technical competence of the tester

It is important that the test leader has a high technical competence to be able to understand the tested technology and to handle the test situation.

The test subject should work in an uninfluenced way. Thus the test leader has to operate in a neutral way that does not influence the test results. In some situations a certain cooperation will be needed, in particular when the test subject has not the needed experiences and know how. Then in a first step the person has to be informed / trained. This has to be done in a neutral way to avoid a later influence on the test results.

In a second stage the test has to be performed in a neutral and uninfluenced way.

To the tester and finally certain technical authority requirements may be supposed to be placed.

5.3.9 Objectivity

1) Truth (deception prohibition)

a) Test results must apply to examined circumstances.

2) Clarity (deception prohibition)

- a) No use of actually true, but for the consumer misleading data.
- b) No use of untrue data.

3) Completeness

- a) No falsification by adding and omitting (relevant) data.

4) Comprehensibility

Accessibility/comprehensibility (selection of the inspection items, test criteria, test procedure) for the addressed average consumer.

Tests should be further as objective as possible (in the sense of adequate); their results must be true (to examined circumstances to apply). It should be also clear, which data was excluded.

Adding or removing falsifying data violates the law of completeness.

Tests have to be organized and executed in such a way that the results are clear and comprehensible, revisable and traceable. Therefore, also uncertainties of measuring have to be stated in the outcomes of the tests.

5.3.10 Objective communication

- Evaluations and valuations of the test results must refer to actual statements and be comprehensible.
- Material and fair criticism (not unnecessary hurting).
- If results are based on subjective factors, they have to be declared as “subjective”
- With subjective factors clear marking of the subjectivity of the result concerned.
- Clear description of the test settings
- Clear statement of the test plan.

The test results have to be communicated in an objective way. The judgment of the tester and test responsible should be based on matters of facts which are verifiable.

They have not to be altered. Any exhausting inappropriate or speculative wording has to be omitted. For test cases where subjective factors exist, the objectiveness within these factors has to be aimed. If this is not possible, the subjectivity has to be marked.

5.3.11 Rules of procedure

Test procedure

- a) Selection of the inspection items
 - Consideration of the market situation
 - Adequate selection
 - Comparability of the products
 - Clear designation of the test objects
- b) Evaluation and test criteria

- To specify usually at the beginning of the test
 - Consumer-relevant characteristics
 - Consumer needs
 - Weighting of the results
 - c) Procurement of the test objects
 - Neutral procurement
- Benchmarks to be used are the way and manner how the average customer would buy a product
- d) Documentation of the procurement
 - Endeavour around objectivity
 - Test program
 - Consideration of the valid legislation, the standards in use and the operating instructions.
 - If the tests use higher benchmarks than existing laws, this has to be marked in any publications.
 - e) Testing methods
 - Reproducibility
 - Execution in accordance with recognized rules
 - f) Hearing of the testing
 - Test subjects have the right to get information about the outcomes of the tests.

The test –environment has to be selected and prepared to be suitable for the test. The matter of the test has to be clearly defined. The procurement of test items has to be organized in a neutral and consumer-like way.

Tester should try to avoid influencing the test where possible.

Test criteria should be described in a detailed way to ensure neutrality and objectiveness. Only relevant criteria should be tested.

When testing consumer relevant characteristics, the criteria have to be weighted accordingly, i.e. with relevant consumer norms & standards, laws, etc...

The test scenario and test criteria should focus on the aimed use and application area of the product. Validity of the criteria has to be determinable. Also none “standard user” aspects have to be considered.

The test subject has the right to be informed about findings of the test to be able to give a statement on the outcomes. Those statements could be part of resulting publications.

5.4 Test evaluation

5.4.1 Publishing of tests

Representing and publishing of test results

- In a clear, comprehensible and clear way.
- All information that is needed to understand the test-execution, selection of criteria, and the weighting of the criteria.
- When creating recommendations for customers, these have to be organized in a balanced way focussing on different aspects (quality, price, etc.)
- Tables and figures should not be used to distort information, but to clarify settings, numbers of participants, etc. to make the test better traceable.
- If a certain test criteria is fostered this has to be stated in a clear way. Otherwise it would be a distortion of information.

5.5 Commercial communication with tests by offers

- Tests should not to be used to create a commercial communication. The use of test results for commercial purpose has to be expressed explicitly. Still the copyright has to be assured.
- Commercial communication based on tests organized in a way that for the average consumer
 - The source of the test and publication is clearly identifiable.
 - The test criteria are clearly identifiable
 - Test results have to be separated from advertising.

5.6 Incentives for volunteers

For participating in tests, test subjects will receive a certain allowance.

Still the participation on the tests is completely on a voluntary basis.

If someone withdraws from the participation, no allowances will be handed out.

6 Data Management

§ 1. (1) Everybody shall have the right to secrecy for the personal data concerning him, especially with regard to his private and family life, insofar as he has an interest deserving such protection. Such an interest is precluded when data cannot be subject to the right to secrecy due to their general availability or because they cannot be traced back to the data subject.

Basis for all Data Processing is the EU Directive 95/46/EC, implemented by Austrian law by the Data Protection Act 2000.

Therefore the AALuis Project will follow the following principles of §6 DSG that says data shall only

- (1) be used fairly and lawfully;
- (2) be collected for specific, explicit and legitimate purposes and not further processed in a way incompatible with those purposes; further uses for scientific and statistical purposes is permitted subject to § 46 and 47;
- (3) be used insofar as they are essential for the purpose of the data application and are not excessive in relation to the purpose;
- (4) be used so that the results are factually correct with regard to the purpose of the application, and the data must be kept up to date when necessary
- (5) be kept in a form which permits identification of data subjects as long as this is necessary for the purpose for which the data were collected; a longer period of storage may be laid down in specific laws, particularly laws concerning archives.

As being a scientific project AALuis § 46 has to be applied: § 46. (1) For the purpose of scientific or statistical research projects whose goal is not to obtain results in a form relating to specific data subjects, the controller shall have the right to use all data that

- (1) are publicly accessible or
- (2) he has lawfully collected for other research projects or other purposes or
- (3) Are only indirectly personal for him/her.

Other data shall only be used under the conditions specified in para. 2 sub-paras. 1 to 3.

(2) In case of the use of data for purposes of scientific research or statistics that do not fall under para. 1 shall be used only

- (1) pursuant to specific legal provisions or
- (2) with the consent of the data subject or
- (3) with a permit of the Data Protection Commission

pursuant to para. 3.

(3) A permit of the Data Protection Commission for the use of data for purposes of scientific research or statistics shall be granted upon request of the controller ordering the research project, if

- (1) the consent of the data subjects is impossible to obtain because they cannot be reached or the effort would otherwise be unreasonable and
- (2) there is a public interest in the use of data for which a permit is sought and

(3) the professional aptitude of the applicant has satisfactorily been demonstrated.

AALuis: For all activities where Data is collected, the collection has to be based on an informed consent!

6.1 Data Protection and Privacy

6.1.1 Data Protection

All AALuis Partners and people working with the data of AALuis have to sign a Data Protection Declaration.

6.1.2 Collection of data

When collecting personal data of test subjects or interviewee, the test leader has to guarantee that: The test subject is informed about the purpose of the data collection

The test subjects are informed about further quality assurance procedures that might require contacting them in the future.

The project coordinator will prove, whether the planned acquisition of data has to be permitted by the Austrian Data Protection Commission.

For the acquisition and collection of data it will be approved, whether it is necessary to register at the Data Processing Register of Austria following the DSG 2000 §16.

<http://www.dsk.gv.at/site/6295/default.aspx>

Germany: Check if a responsible person for data protection is needed. By now data collection is not planned for Germany.

The Netherlands: Check if a responsible person for data protection is needed. By now data collection is not planned for Germany.

6.1.3 Use of the data

Information and data acquired and stored following the guidelines of this manual

- Have to be acquired for this specific use of research and must not be used for any other use that is incompatible with these purposes.
- Have to be proportionately, relevant and not exaggerated for the actual research purpose
- Have not to be saved and stored any longer as needed for the actual research purpose.

The researcher can communicate the own personal data and the results and outcomes of a test-subject under the following conditions:

- When not conflicting with national law
- The test subject has explicitly requested it
- The test subject has explicitly confirmed it
- There is no commercial intention behind this information as direct consequence

6.1.4 Security of the processing

Project workers and participant (tester) must guarantee that appropriate safety precautions are used, concerning the non-authorized entrance too, the manipulation of or the exposure from personal data. If personal data are transported using third parties, it must be assured that these can ensure an at least equivalent safety level.

Personal Data has to be made impersonal by replacing any data that would identify a person. If personal data is needed for further work, the identification keys have to be hold in a separate file.

For third parties, these personal data should not be accessible when not needed for further work.

Each partner collecting data is responsible (as data administrator) for the data collected.

6.1.5 Rights of the test participants / project partners

To guarantee that the test subjects and interviewees are informed and conscious about their rights, appropriate measures have to be taken.

Those rights have to include

- Not to participate in the research project
- To quit the participation within the research project anytime
- To claim the right that any personal information and data collected cannot be accessed by a third party
- Wrong personal data that is saved or stored has to be deleted or corrected

6.1.6 Transnational data transferring

Special care is required, in order to conform to the data protection laws, if personal data are conveyed from the collection country into another country. If the data processing is performed in another country, all necessary steps must be taken, so that appropriate safety precautions are considered and the data security principles of the manuals are kept.

6.1.7 Individual Rights

Individuals are entitled to the following rights in respect of data processing:

To be informed by any data controller whether it is processing data concerning him, and to be given a copy of such data;

- (1) To prevent processing likely to cause him damage or distress;
- (2) To prevent direct marketing to him;
- (3) To prevent the taking of automated decisions concerning him;
- (4) To have inaccurate data corrected or erased;
- (5) To compensation for damage or distress caused by unlawful data processing; and
- (6) To ask the national Data Protection Officer to investigate the activities of any data controller.

The exemptions from the requirement to notify;

- (1) The right of individuals to gain access to their data;
- (2) The remaining rights of individuals;
- (3) The fair and lawful processing requirement in the first data protection principle;
- (4) The security requirement in the seventh data protection principle;
- (5) The personal data export ban;
- (6) The exemptions from various of the Act's obligations; and
- (7) The criminal offences.

7 Insurance

7.1 Insurance of participants

When concrete plans for the user involvement are created, these plans will be verified with the legal departments of the partners to ensure if an extra insurance is needed.

As all subjects participate on informed consent, they will be informed about using a prototype. This will specially highlight that devices and services might not work as expected and within the testing phase, people should not rely on the system alone.

People will be informed about the status of insurance before participating in the single tests.

8 Further Ethical Questions

8.1 Right of Distribution and participation

Everyone should have the same chance to benefit from available ICT and healthcare. Especially highly technical solutions run the risk to be available just for a certain target group.

AALuis: AALuis will contribute to the freedom of choice to access AAL systems. Thus it will enable people to benefit from such systems.

Effects of neglecting the use

When the use of AAL Technologies can bring a benefit, then neglecting the application can bring a negative effect to the user. Still the application has to be based on a personal decision and thus, in particular elderly people should have the right to refuse the use of the application. elderly people should have the right of neglecting

AALuis: Within AALuis all test-subjects will participate on a completely voluntary base. The User Organizations involved in the project guarantee that not participating in the AALuis tests does not have any negative effects on further contacts with their clients.

8.2 Curing instead of adaptation of parameters

Especially when the ICT is used for the monitoring of medical parameters there is the risk of just trying to get the parameters right, and pushing the person behind these parameters to the background.

AALuis: Even though AALuis might deal with medication, during the test no direct interventions are planned.

8.3 Enabling instead of Disabling

The use of AT, AAL and ICT should enable people and focus on their abilities. Existing cognitive, mental and physical abilities have to be fostered. The application of AT also brings the risk that existing abilities are not supported and thus decrease. An example is the use of smart home technology to operate the blinds instead of doing it by muscle power what could be a good daily exercise.

AALuis: The focus within AAL is on independence and active aging. Thus, all partners also have the paradigm of focusing on the abilities and functions of a person, and not on disabilities and illnesses. The developed technologies will

- 1) Have to avoid creating new barriers
- 2) Reduce existing barriers

Assist people to overcome barriers

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Austrian Data protection act 2000 **Data protection act 2000**

Unofficial Translaton from the Austrian Data Protektion Commission.

<http://www.bka.gv.at/site/6274/default.aspx>

Article 1

(Constitutional provision)

Fundamental right on data security

§ 1. (1) Everyone has, in particular also regarding the attention of its private and family life, a requirement on secrecy of personal data concerned, as far as an interest worthy of protection in it exists. The existence of such an interest is impossible, if data are not accessible to a requirement for secrecy due to their general availability or because of their returnability lacking on the concerning.

(2) As far as the use of personal data does not take place in the vital interest of the concerning or with its agreement, restrictions of the requirement on secrecy are permissible only for the keeping of predominant justified interests of another, with interferences of a national authority only due to of laws, those from in kind. 8 exp. 2 of the European convention for the protection of the human rights and basic liberties (EMRK), BGBl. No. 210/1958, reasons mentioned are necessary. Such laws may be the use of data, which are particularly worthy of protection according to their kind, only for the keeping of important public interests plan and must at the same time appropriate warranties for the protection of the interests of secrecy of the concerning specify. Also in case of permissible restrictions the interference may be made into the fundamental right only in each case in the gentlest kind leading to the goal.

(3) Everyone has, so far concerned him personal data for processing supported by automation or for processing in manual, it means without automation support led files are certain, in accordance with condition of legal regulations

1. the right to information on it, who processes which data over it, from where the data come, and to which they are used, in particular also, at whom they are conveyed;

2. the right to rectification of incorrect data and the right to deletion inadmissibly finished data.

(4) Restrictions of the rights after exp. 3 are only under in exp. 2 conditions mentioned permissible.

(5) Against legal entities, which are furnished in forms of private law, is, as far as they do not become active in carrying out the laws to make the fundamental right on data security with exception of the right to information on the civil proceedings valid. In all remaining cases the data protection committee is responsible for decision, unless document of the legislation or the jurisdiction are concerned.

Article 2

Chapter 1

General

Definitions

§ 4. In the sense of the following regulations of this Federal law the terms mean:

„data“ („personal data“): Data concerning persons (Z 3), their identity certainly or assignable is; „data for a client (Z 4) are only indirectly personal, service provider (Z 5) or receivers of a transmission (Z 12) if the person purchase of the data in such a manner is that this client, service provider or transmission receiver cannot determine the identity of the concerning with legally permissible means;

2. „sensitive data“ („data particularly worthy of protection“): Data of natural persons over its racial and ethnical origin, political opinion, union membership, religious or philosophical conviction, health or its sexual benefits;

3. „Concerned Persons“: every one of the clients (Z 4) different natural or legal entity or person community, whose data are used (Z 8);

4. Client: natural or legal entities to use person communities or organs of a regional administrative body and/or the business apparat uses of such organs, if they made alone or together with others the decision, data

(Z 8), independently of whether they use the data (Z 8) or a assigned service provider (Z 5) . They apply to use also then as clients, if service provider assigned the production of a work (Z 5) makes the decision, for this purpose data (Z 8), it are this it were expressly forbidden or the assigned one have due to from legislation or behaviour rules on the use solely responsible to decide;

5. Service provider: natural or legal entities, person communities or organs of a regional administrative body and/or the business apparatuses of such organs, if they use data only for the production them laid on work (Z 8);
6. „File “: structured collection of data, which are accessible according to at least one search criterion;
7. „data application“: the sum of the use steps connected logically in their expiration (Z 8), those for the reaching of a contentwise determined result (the purpose of data application arranged are and completely or also only, thus by machine partly supported by automation and by program control, take place (data application supported by automation);
8. Use of data: each kind of the handling of data, thus both processing (Z 9) and conveying (Z 12) data;
9. Processing from data: determining, seizing, memory, keeping, arranging, comparisons, changing, linking, multiplying, inquiries, spending, using, leaving (Z 11), barriers, deletion, destroying or every other kind of the handling data with exception of the transmission (Z 12) of data;
11. Left of data: the passing on of data between clients and provider in the context of the order relationship (Z 5);
12. Convey from data: the passing on of data to other receivers than the concerning, the client or a service provider, in particular also publishing data; beyond that also the use of data for another field of application of the client;
13. „Data base combination system “: the common processing of data in a data's application by several clients and the common use of the data in the kind that each client has access also to those data in the system, which were put to the system by the other clients at the disposal;
14. „Agreement “: the valid, in particular declaration of intention of the concerning delivered without obligation that he consents to knowledge of the state of affairs for the concrete case to the use of his data;
15. „location “: every by firm mechanisms at a certain place spatially and functionally defined organizational unit with or without juridical personality, which also actually exercises activities at the place of its mechanism.

Chapter 2

Use of the data

Principles

§ 6. (1) Data may only

1. after faithful and faith and in legal way to be used;
2. for fixed, clear and legal purposes to be determined and in a way incompatible with these purposes not be re-used; the further use for scientific or statistic purposes is permissible in accordance with condition §§ of the 46 and 47;
3. as far as they are substantial for the purpose of data's application, to be used and beyond this purpose not go;
4. thus to be used the fact that it regarding the intended purpose in the result essentially correctly and, if necessary, on which is brought to newest conditions;
5. as long as in personal form are kept, when this is necessary for the reaching of the purposes, for which they were determined; a longer storage duration can result from special, in particular archives-legal laws.

(2) The client carries the responsibility for the observance with each its data's applications in exp. 1 of principles mentioned; this applies, even if he consults for data's application provider.

(3) The client this Federal law underlying data's application has, if he is not established in the area of the European Union, to designate one in Austria resident representative who can be made responsible on behalf of the client without prejudice to the possibility of a procedure against the client.

(4) For closer definition it's that is to be regarded within individual ranges than use from data to faithful and faith, can prepare the legal protections of interests, other professional associations and comparable mechanisms behaviour rules for the private sector. Such behaviour rules may be only published, after they were submitted to the Federal Chancellor for investigation and this examined and as given judged its agreement with the regulations of this Federal law.

Validity of the use of data

§ 7. (1) Data may be only processed, as far as purpose and contents of the data's application of the legal competencies or legal powers of the respective client are covered and the interests of secrecy worthy of protection of the concerning do not hurt.

(2) Data may be only conveyed, if

1. it come from one in accordance with exp. 1 permissible data's application and
2. the receiver the conveyance its sufficient legal competence or legal power - so far this except doubt does not stand - made convincing regarding the transmission purpose and hat und
3. by means of purpose and the contents of the transmission the interests of secrecy worthy of protection of the concerning not to be hurt.

(3) The validity of a data use presupposes that the interferences into the fundamental right on data security only in the necessary extent and with the gentlest means, caused thereby, the available to take place and that the principles § 6 are kept.

Interests of secrecy worthy of protection on use of non-sensitive data

8. (1) Interests of secrecy worthy of protection are not hurt on use of non-sensitive data if

1. an express legal authorization or obligation for the use of the data exists or
2. the concerning of the use of its data agreed, whereby a revocation is at any time possible and the inadmissibility of the further use of the data causes, or
3. vital interests of the concerning person the use require or
4. predominant entitled interests of the client or third the use require.

(2) With the use of permissible-proves published data or from only indirectly personal data apply interests of secrecy worthy of protection as not hurt. The right, against the use permissible-proves published data in accordance with § 28 contradiction to raise, remains unaffected.

(3) Interests of secrecy worthy of protection are for the reason of the exp. 1 Z 4 in particular does not hurt if the use of the data

1. for a client of the public range a substantial condition for the perception it of a legally assigned task is or
2. via clients of the public range in fulfilment of the obligation at the legal assistance is done or
3. for the keeping of vital interests third is necessary or
4. for the fulfilment of a contractual obligation between clients and concerning is necessary or
5. for the asserting, practice or defence of legal claims of the client before an authority is necessary and the data were rightfully determined or
6. excluding the practice of a public function by the concerning to the article has or
7. in the emergency, as far as this for the assistance for the persons concerned by the disaster directly, for the location and identification of missing persons and the deceased and for the information from members is necessary; in the latter case § 48a exp. applies. 3.

(4) The use of data over judicial or administrative officially punishable actions or omissions, in particular also over the suspicion of committing of criminal offences, as well as over criminal condemnations or

preventing measures offends - without prejudice to the regulations of the exp. 2 - only then not against interests of secrecy worthy of protection of the concerning, if

1. an express legal authorization or obligation for the use of such data exists or
2. the use of such data for clients of the public range a substantial condition for the perception them of a legally assigned task is or
3. otherwise the validity of the use of these data from legal duties to exercise diligence or other, the interests of secrecy worthy of protection of the concerning predominant entitled interests of the client results and the way, in which data's application is made, the keeping of the interests of the concerning after this Federal law ensured or
4. the dissemination of data for the purpose of refunding an announcement to one for the pursuit of the indicated punishable actions (omissions) responsible authority takes place.

Interests of secrecy worthy of protection on use of sensitive data

§ 9. Interests of secrecy worthy of protection are exclusively not hurt when using sensitive data if

1. the concerning the data obviously made or
2. public the data in only indirectly personal form to be used or
3. the authorization or obligation for use from laws results, as far as these serve the keeping of an important public interest, or
4. the use by clients of the public range in fulfilment of its obligation to the legal assistance happens or
5. Data to be used, which have excluding the practice of a public function by the concerning to the article, or
6. the concerning its agreement for the use of the data gave expressly, whereby a revocation is at any time possible and the inadmissibility of the further use of the data causes, or
7. the processing or transmission for the keeping of vital interests of the concerning is necessary and its agreement to be not in time caught up can or
8. the use of the data for the keeping of vital interests of another is necessary or
9. the use for the asserting, practice or defence of legal claims of the client before an authority is necessary and the data was rightfully determined or
10. Data for private purposes in accordance with § 45 or for scientific research or statistics in accordance with § 46, for the notification or questioning of the concerning in accordance with § 47 or in the emergency in accordance with § 48a to be used or
11. the use is necessary, in order to carry for the rights and obligations of the client on the area of the work or public service employment law calculation, and it after special legislation is permissible, whereby the work council after the work constitutional law which are entitled the powers remain unaffected regarding the data use, or
12. the data for the purpose of the health care, to which to medical diagnostics, which health care or - treatment or for the administration of health services is necessary, and which use of these data via medical personnel or other persons takes place, which are subject to an appropriate professional secrecy, or
13. not on profit arranged combinations with political, philosophical, religious or unionized activity purpose data, which permit conclusions on the political opinion or world-descriptive conviction of natural persons, in the context of their permitted activity process and it at that around data of members, promoters or other persons act, that stated regularly their interest in the activity purpose of the combination; these data may be passed on, if from laws nothing else results, only with agreement of the concerning on third.

Chapter 3

Security of data

Data security measures

§ 14. (1) For all organizational units of a client or service provider, who uses data, measures are to be met for the guarantee of data security. It is depending upon the kind of the used data and according to range and purpose of the use as well as under on the conditions of the technical possibilities and on the economic viability to guarantee that the data are protected against loss before coincidental or illegitimate destruction and that their use duly taken place and that the data unauthorized ones are not accessible.

(2) In particular, so far this is regarding exp. 1 last sentence is necessary,

1. to specify the task distribution with the data use between the organizational units and between the co-workers expressly,

2. to bind the use of data to being present valid orders of the arrangement-authorized organizational units and co-workers,

3. to instruct each co-worker over its after this Federal law and according to internal-organizational data security regulations including the data security regulations existing obligations,

4. to regulate the admission authorization for the premises of the client or providers,

5. to regulate the access authorization on data and programs and the protection of the data media from the insight and use by unauthorized ones,

6. to specify the authorization for the enterprise of the data processing devices and to secure each equipment by precautions with the assigned machines or programs against unauthorized start-up,

7. To lead minutes, so that actually accomplished use procedures, like in particular changes, can be reconstructed inquiries and transmissions, regarding their validity in the necessary extent,

8. to lead a documentation across after Z the 1 to 7 met measures, in order to facilitate control and preservation of evidence.

These measures must ensure a protection level, which is appropriate for the risks and the kind of the data which can be protected outgoing from the use with consideration of the state of the art and the costs arising at the time of execution.

(3) Registered transmissions from data's applications, which are subject to an obligation for giving information in accordance with § 26, are not to be logged in such a way that information concerned in accordance with § 26 can be given. In the standard regulation (§ 17 exp. 2 Z 6) or in the model regulation (§ 19 exp. 2) intended transmissions do not require logging.

(4) Minutes and documentation data may not be used for purposes, which with their determination purpose - which are control of the validity of the use of the logged or documented volume of data - are incompatible. In particular the further use is incompatible for the purpose of control of concerning, whose data are contained in the logged volume of data, or for the purpose of control of those persons, who accessed the logged volume of data, for another reason than that one the examination of their access authorization, unless it concerns the use for the purpose of the prevention or pursuit of a crime after § 278a StGB (criminal organization) or a crime with an imprisonment, whose maximum exceeds five years.

(5) If legally not expressly different one is arranged, minutes and documentation data are to be kept three years long. From it may be deviated in that extent, when the volume of data concerned of the logging or documentation permissible-proves in former times is deleted or longer kept.

(6) Data security regulations are so too issued and for the order to hold that the co-workers can inform about the regulations valid for them at any time.

Data secrecy

§ 15. (1) Clients, service provider and their co-workers - those are employee (service taker) and persons in an employee-similar (serve-taker-serving taker something similar) relationship - have to keep data from data's applications, which were entrusted to them exclusively due to their professional occupation or became accessible, secret without prejudice to other legal obligations to secrecy, as far as no legally permissible reason for a transmission of the entrusted or become accessible data exists (data secrecy).

(2) Co-workers may convey data only due to an express arrangement of her employer (service giver). Clients and service provider have, if such an obligation of their co-workers not already exists strength of law to

obligate these contractually that they will keep data from data's applications only due to of arrangements to convey and the data secrecy also after completion work (service) of the relationship to the client or provider.

(3) Clients and provider may give arrangements for the transmission of data only if this is permissible according to the regulations of this Federal law. They have to instruct the co-workers concerned by the arrangement about the transmission arrangements valid for it and about the consequences to an injury of the data secrecy.

(4) Without prejudice to the constitutional instruction right from the refusal of the observance of an arrangement for data communication because of offence against the regulations of this Federal law no disadvantage may arise for a co-worker.

Appendix B Documents for Informed Consent

As the user-involving tasks will be carried out exclusively in German speaking countries the documents for the informed consent are attached in German.

Informative Einverständniserklärung

Name des Projektes:	AALuis (Ambient Assisted Living User Interfaces)
Projektnummer:	AAL-2010-3-070
Art des Projektes:	kooperatives Projekt
Dauer des Projektes:	36 Monate
Start des Projektes:	Juli 2011
Ende des Projektes:	Juni 2014
Fördergeber:	EU, BMVIT
Förderprogramm:	AAL Joint Programme
Ausschreibung:	Call 3 - ICT-based Solutions for Advancement of Older Persons' Independence and Participation in the "Self-Serve Society"
Koordinator:	Christoph Mayer, AIT (Austrian Institute Of Technology)
Versuchsleiter:	DI Jan Bobeth
Institution:	CURE – Center for Usability Research and Engineering

(deutsch)	The English Version will be created if needed!
<p>Die im Folgenden beschriebene Studie ist Teil des Forschungsprojektes AALuis. Dieses Forschungsprojekt wird finanziert durch die Europäische Union (EU) und dem Ministerium für Verkehr, Innovation und Technologie (BMVIT) innerhalb des Förderprogramms AAL Joint Programme.</p> <p>Diese Einverständniserklärung enthält eventuell Begriffe und/oder Informationen die Ihnen nicht geläufig sind. Bei Bedarf fragen Sie bitte bei den Interviewern oder jeglichen Personen, die Teil dieses Forschungsprojektes sind, nach einer Erklärung für diese Begriffe und/oder Informationen. Gerne erhalten Sie eine Kopie dieser Einverständniserklärung um deren Inhalte zu überdenken oder mit Ihrer Familie zu besprechen.</p>	
<p>I. EINLEITUNG:</p> <p>Sie wurden zur Teilnahme an dieser Studie eingeladen. Bevor Sie sich an der Teilnahme zu dieser Studie</p>	

<p>einverstanden erklären, lesen Sie sich bitte diese informative Einverständniserklärung gut durch. Zögern sie bitte nicht Fragen zur Studie oder zu möglichen Nutzen und Risiken zu stellen.</p>	
<p>II. ZIEL VON AALUIS:</p> <p>Das Ziel dieses Forschungsprojektes besteht in der Vereinfachung der Anbindung verschiedenermitunter medizinischer Dienstleistungen an unterschiedliche Benutzungsoberflächen. Damit soll erreicht werden, dass zukünftige Benutzer sie selbstständig auf ihre bevorzugte Art und Weise benutzen können und somit unabhängiger von medizinischen Dienstleistern werden. Im Rahmen des Projektes werden für Demonstrationszwecke neue Services und innovative Benutzungsoberflächen entwickelt. Dabei werden potentielle End-Benutzer wie Sie vom Beginn bis zum Ende des Projektes in verschiedene Entwicklungsprozesse einbezogen.</p> <p>Als Zielgruppe in diesem Projekt wurden pensionierte Personen festgelegt, die zwischen 60 und 70 Jahre alt sind und mit Ausnahme einer altersassoziierten Gedächtnisstörung keine spezifischen kognitiven Einschränkungen (wie Alzheimer oder Demenz) aufweisen.</p>	
<p>III. TEILNAHME AN DER STUDIE UND MÖGLICHE TEILNAHME AM STUDIENDESIGN:</p> <p>Um an dieser Studie teilnehmen zu können, ist es wichtig dass Sie Informationen über das Projekt und dessen Komponenten erhalten und diese auch verstehen. Diese Einverständniserklärung enthält solche Informationen um zu gewährleisten, dass Sie das Ziel dieser Studie und die Bedeutung Ihrer Teilnahme daran verstanden haben. Bitte unterschreiben Sie nicht wenn Ihnen bestimmte Aspekte der Studie nicht klar sind oder Sie die Ziele der Studie nicht verstanden haben.</p>	

<p>Bitte fragen sie nach, wenn Sie etwas nicht verstanden haben.</p>	
<p>Die Teilnahme an dieser Studie erfolgt auf freiwilliger Basis. Sie können jederzeit Ihre Teilnahme an der Studie abbrechen. Der Abbruch Ihrer Teilnahme ist mit keinen rechtlichen Konsequenzen verbunden. Um an der Studie teilnehmen zu können, müssen Sie die im Abschnitt II (Ziel der Studie) genannten Kriterien erfüllen.</p>	
<p>IV. STUDIENABLAUF:</p> <p>Im Zuge des Projekts werden mehrere Teilstudien durchgeführt.</p> <p>Teilstudie 1: Zu Beginn des Projektes werden mit VertreterInnen der Zielgruppe Interviews und Fokusgruppen abgehalten, um deren Anforderungen und Bedürfnisse an das System zu erheben. Dabei werden Informationen über alltägliche Verhaltensweisen, spezielle Servicebedürfnisse und persönliche Interaktionsanforderungen erhoben.</p> <p>Teilstudie 2: Im Laufe des Projektes werden weitere Personen aus der Zielgruppe zu Benutzbarkeitsstudien der im AALuis Projekt entwickelten Prototypen eingeladen. Im Rahmen dieser Studien wird die Möglichkeit gegeben, die Prototypen auszuprobieren und Rückmeldungen hinsichtlich der Benutzbarkeit zu geben, die in weiterer Folge in den Prototypen eingearbeitet werden. Innerhalb dieser Studien werden Fragebögen und Interviews hinsichtlich Ihrer Erfahrungen durchgeführt.</p> <p>Teilstudie 3: In einem mehrmonatigen Feldtest werden die Prototypen des AALuis Projektes gemeinsam mit VertreterInnen aus der Zielgruppe in einem realen Umfeld hinsichtlich Usability (Benutzbarkeit) und Accessibility (Zugänglichkeit) evaluiert. Dabei werden Log-File Daten</p>	

<p>aufgezeichnet und Auswertungen basierend auf automatisch aufgezeichneten Systemdaten erfolgen. Periodisch ausgesendete Fragebögen geben dabei Auskunft über die Wahrnehmung der Technologie und Technologieakzeptanz. Nachfolgende Interviews werden mit TeilnehmerInnen am Feldtest durchgeführt, um die gesammelten Erfahrungen im Umgang mit den Prototypen gemeinsam aufzuarbeiten. Resultate daraus werden dazu genutzt, um Anleitungen für Verbesserungen der Prototypen geben zu können.</p>	
<p>V. MÖGLICHE RISKEN:</p> <p>Es besteht für Sie keinerlei Risiko, wenn Sie an dieser Studie teilnehmen. Es wird erwartet, dass Sie an der Studie teilnehmen.</p>	
<p>VI. NUTZEN DER STUDIE:</p> <p>Mit der Teilnahme an dieser Studie und Ihren Beiträgen hinsichtlich ihrer speziellen Bedürfnisse und persönlichen Anforderungen verbessern Sie das Verständnis und Wissen rund um die Anforderungen älterer Menschen an den untersuchten technischen Lösungen. Darauf aufbauend können die im Rahmen dieses Projekts entwickelten Systeme und Benutzerschnittstellen an die erhobenen Ansprüche angepasst und in Folge dessen leichter verständlich und zugänglicher gestaltet werden.</p>	
<p>VII. VERTRAULICHKEITSERKLÄRUNG:</p> <p>Alle Ihre persönlichen Angaben und Ihre erhobenen Daten werden vollkommen vertraulich und anonym behandelt. Ihre Identität kann auch zu einem späteren Zeitpunkt keinesfalls über die erhobenen Daten rückverfolgt werden. Die in dieser Studie gesammelten Informationen werden in den Berichten zu diesem Projekt in Form von statistischen Auswertungen oder Szenarien</p>	

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<p style="text-align: center;">DI Jan Bobeth CURE – Center for Usability Research and Engineering Modecenterstraße 17 / Objekt 2 1110 Wien Österreich 01/743 54 51 201 bobeth@cure.at</p>	
<p>Vom Augenblick Ihres Rücktritts an werden Ihre Daten in keinen weiteren Phasen des Forschungsprojektes verwendet. Es wird jedoch nicht möglich sein bereits publizierte Dokumente oder abgeschlossene Projektberichte, in denen Ihre Daten enthalten sind,</p>	

<p>umzuändern.</p> <p>Die Entscheidung die Vollmacht zur Nutzung und Veröffentlichung der entstandenen Daten zu erteilen erfolgt auf freiwilliger Basis. Falls Sie sich entscheiden Ihre Einwilligung nicht zu erteilen oder von Ihrer Einwilligung zurücktreten, können Sie nicht an dieser Studie teilnehmen.</p>	
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<p>I. EINVERSTÄNDNIS FÜR WEITERE STUDIEN KONTAKTIERT ZU WERDEN:</p> <p>Gerne würden wir Sie für weitere Forschungsprojekte und Studien kontaktieren. Ihr Einverständnis dazu erfolgt auf freiwilliger Basis. Im Falle Ihrer Einwilligung gehen Sie keinerlei Risiken und Verpflichtungen ein.</p> <p>Bitte zutreffendes ankreuzen:</p> <p><input type="checkbox"/> Ich möchte auch für zukünftige Studien kontaktiert werden.</p> <p><input type="checkbox"/> Ich möchte nicht mehr kontaktiert werden.</p>	
<p>I. NUTZUNG VON FOTO-, VIDEO- UND TONMATERIAL</p> <p>Das Foto-, Ton- und Videomaterial, das während der Studie erstellt wird, wird in weiterer Folge zu Analysezwecke, zur Erarbeitung der entsprechenden Studien- und Projektergebnisse bzw. zu Marketing-, Werbe- und PR-Zwecke des Forschungsprojektes AALuis herangezogen.</p> <p>Bitte zutreffendes ankreuzen:</p> <p><input type="checkbox"/> Ich erteile hiermit CURE und den Mitgliedern des Forschungsprojektes das Recht das Foto-, Ton- und Videomaterial bzw. Teile daraus für die oben genannten Zwecke zu nutzen.</p> <p><input type="checkbox"/> Das erstellte Foto-, Ton- und Videomaterial, das mir zugeordnet werden kann, darf nicht für</p>	

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A.1. AALuis – Projektbeschreibung A.2. Datenschutzvereinbarung	