

Stichting Primair en Voortgezet Onderwijs Zuid-Nederland



Privacy regulation processing personal data

Datum instemming College van Bestuur	26 maart 2018
Datum instemming MR	29 mei 2018
Datum publicatie	31 mei 2018

Bron

saMBO-ICT
Kennisnet

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Vastgesteld door:

Versie	Datum	Naam
1.0	26 maart 2018	College van Bestuur

Translated:

This document is an English translation (by Davis International) of "Privacy reglement verwerking persoonsgegevens". In case of differences in interpretation between the English and Dutch versions of the regulation, the original Dutch version shall prevail.

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Article 1 Applicability

This regulation applies to the whole organisation that is part of the Stichting Primair en Voortgezet Onderwijs Zuid-Nederland (hierna SPVOZN). SPVOZN is established at Henegouwenlaan 2 in Eindhoven .

Article 2 Definitions

In this regulation, the following definitions apply:

- | | | |
|----|-----------------------------|---|
| a. | Personal data | All information on an identified or identifiable natural person ('person concerned'), such as, for instance, name, address, date of birth, title(s), gender, telephone number, email address, function, staff number, medical reports, content of emails, performance/grades, letters, complaints, photos, videos, IP addresses, tracking cookies, login names and passwords; |
| b. | Processing of personal data | A part of, or the total processing of information with regard to personal data or entire personal data, automated or manually, such as collecting, securing, organizing, saving, editing, changing, requesting, using, providing by means of forwarding, distributing or any other form of making available, assembling, inter-relating, as well as screening, erasing or deleting of data; |
| c. | Special personal data | Personal data that show race or ethnical background, political views, religious or philosophical beliefs or the membership of a trade union, genetic data (DNA/RNA) or biometrical data (i.e. photos) in relation to providing the unique identification of a person, and information on health, or someone's sexual behaviour or sexual orientation; |
| d. | Person concerned | The person whose personal data it concerns, and who is or is not represented by a legal representative. Those concerned could be, for instance: students, parents, staff and visitors; |
| e. | Legal representative | The person who is the parental authority of a minor. In most cases, this will be a parent, but it could also be a guardian. When a student is 16 years or older, he/she normally takes his/her own decisions about his/her privacy; |
| f. | Controller | The entity that establishes the purpose and resources for the processing of personal data. In the context of this regulation the authority, viz. SPVOZN, represented by the Executive Board, the entity responsible for processing; |
| g. | Processor | The natural person or legal person, who, on behalf of the entity responsible for processing (SPVOZN) processes personal data, such as the supplier of the student tracking system or the student administration system. A processor has an executive task, for the purpose of the entity responsible for processing; |
| h. | Third party | The natural person or legal person, a government service, a service or other organ, not being the person concerned, the entity responsible for processing, the processor, or the persons who |

- report directly to the authority of the entity responsible for processing or the processor authorized to process personal data;
- i. Authority SPVOZN, the entity responsible for processing in the context of this regulation.

Article 3 Scope and purpose

- 3.1 This regulation sets out the rules concerning the processing of personal data of all those involved with the organisation, including students and their legal representatives, staff, visitors and external relations (i.e. suppliers and contractors).
- 3.2 This regulation is applicable to all personal data of those concerned, which is processed by the SPVOZN. This regulation has as purpose:
- a. to protect the personal privacy of those concerned against wrongful and unintentional use of personal data;
 - b. to establish for which purpose and on which (legal) basis personal data within SPVOZN are processed;
 - c. to guarantee also that personal data within SPVOZN are processed legitimately, transparently and properly.
 - d. to set out the rights of those concerned and to ascertain that these rights are respected by SPVOZN.

Article 4 Reasons for the processing of personal data

- 4.1 In processing personal data SPVOZN keeps to the relevant laws and regulations including the General Regulation Data Protection (Algemene Verordening Gegevensbescherming (AVG)), the implementation law AVG and the education legislation.
The processing of personal data takes place for :
- a. the organisation of or the providing of the education, the support of students, ensuring their (extra) support needs, as well as giving study advice;
 - b. providing and/or making learning resources available;
 - c. guarding the safety within the schools and the protection of the property of staff, students and visitors;
 - d. providing information on the organisation and learning resources as meant in a and b, as well as information about the students on the own website;
 - e. giving notice of the activities surrounding the organisation, for instance, on the website of SPVOZN or of the schools, in brochures or in the school guide or via social media;
 - f. calculating, determining and collecting of registration fees, school and tuition fees and contributions or payments for learning resources and extra-curricular activities, including the outsourcing of collections to third parties;

- g. application for funding, dealing with disputes in this regard and carrying out the accountants controls;
- h. maintaining contact with alumni;
- i. entering into and executing contracts of employment, relationships with contractors and with suppliers;
- j. execution or application of laws and regulations;
- k. legal procedures which involve SPVOZN.

4.2 Processing of personal data can take place for purposes which are compatible with those as described in sub 1.

Article 5 Binding purpose

Personal data are used exclusively in a manner which is compatible with the processing purposes described. SPVOZN does not process more data than necessary to reach the specific objectives.

Article 6 Categories of personal data

The categories of personal data, as these are processed within SPVOZN, are registered in a processing register.

Article 7 Basis of processing

Processing of personal data will only take place if one of the following criteria/conditions has been met:

- a. Processing is necessary for carrying out a task of common interest or of a task in the context of the execution of a public authority that has been assigned to SPVOZN;
- b. Processing is necessary to comply with a legal obligation of SPVOZN;
- c. Processing is necessary for carrying out an agreement with the person concerned (for instance the contract of employment) or to take measures before reaching an agreement at the request of the party concerned;
- d. Processing is necessary to safeguard the justified interests of SPVOZN or those of a third party, except when those interests or the basic rights and fundamental freedoms of the person concerned are more important, in particular when the person concerned is a child; in the context of this fundamental principle, a weighting of interests will have to take place;
- e. Processing is necessary to protect the vital interests of those concerned or another natural person;
- f. The person concerned gives permission for processing his/her personal data for one or more specific purposes.

Article 8 Storage periods

SPVOZN stores personal data no longer than necessary for the purpose for which these were processed, unless storage for a longer period is mandatory on the basis of laws and regulations.

Article 9 Access

Within the organisation of SPVOZN, persons only have access to personal data if this is really necessary. The access of staff to personal data is limited to the data that are necessary to carry out their function and (therefore) their work properly. In addition, access to the personal data included in the administration and the systems of the school is limited to:

- a. the processor that is assigned by SPVOZN to process personal data, but only in so far as it is necessary in view of the agreements which have been made;
- b. third parties, in so far as SPVOZN is obliged to provide access, or there is a reason for (another) basis for this processing, for instance, carrying out a task of general interest.

Article 10 Security and confidentiality

- 10.1 SPVOZN takes appropriate technical and organisational security measures to prevent that personal data are corrupted, lost or are processed illegitimately. These measures are also aimed to prevent unnecessary and additional (also unnecessary) processing of personal data.
- 10.2 As regards the security measures, the current level of the technique, the implementation costs, the context and the processing purposes are taken into account as well as the probability and gravity of the various risks to the rights and freedoms of those concerned.
- 10.3 Every individual concerned in the processing of personal data within SPVOZN is required to ensure the confidentiality of the personal data concerned, and will only process these data, in so far as necessary, for carrying out the relevant function, work or task.

Article 11 Provision of data to third parties

SPVOZN may provide personal data to third parties if this is justified in the context of Article 7 of this regulation.

Article 12 Social media

For the use of personal data in social media, separate agreements have been set out in the social media protocol of SPVOZN.

Article 13 Rights of those concerned

13.1 SPVOZN recognises the rights of those concerned, operates in accordance with them and ensures that those concerned can exercise their rights. It concerns, in particular, the following:

Inspection

a. A person concerned has right to inspect the processed personal data by SPVOZN that concern him/her, except when it concerns working documents, internal notes and other documents that are exclusively meant for internal deliberations and consultations. If, and in so far, this right also concerns the rights and freedoms of others, for instance if in the documents personal data of others than the person concerned are mentioned, SPVOZN may limit the right of inspection.

In providing the data concerned, SPVOZN also provides information about:

- the processing purposes;
- the categories of personal data that are processed;
- the recipients or categories of recipients to whom the personal data is being or will be provided;
- (if applicable) recipients in third/other countries or international organisations;
- (if possible) how long the data is being stored;
- that the person concerned has the right to request that the personal data is rectified or erased, or that the processing of the personal data is limited, as well as the right to object against the processing of personal data;
- the fact that the person concerned can lodge a complaint with the Authority Personal Data;
- the source of the personal data, if the personal data have not been acquired from the person concerned;
- the possible application of automated decision-making and the relevant underlying logic and the interest and the consequences for the person concerned;
- the suitable guarantees, if the personal data are being passed on to a third/other country or an international organisation.

Correction, supplementation, deletion

b. SPVOZN will amend the personal data of the person concerned in the event that the person has indicated that the data are incorrect, and SPVOZN will add to the personal data of a person concerned if this person has justly requested an addition. In addition, the person concerned can request deletion of his/her personal data. SPVOZN will comply if the legal basis for the request has been met, unless it is impossible to comply with the request or if this would require an unreasonable effort.

Objection

c. If SPVOZN processes personal data on the basis of Article 7 under a or Article 7 under d of this regulation, the person concerned can object against the processing of his/her personal data. In this case, SPVOZN will stop processing the relevant personal data concerned, except if, in SPVOZN's opinion/judgement, the interest of SPVOZN, the interest of third parties or the general interest weighs more heavily in this particular case.

Limiting processing

d. The person concerned can subsequently request to limit the processing of his/her personal data, viz. if he/she has requested a correction, if he/she has objected to the processing, if the personal data are no longer required for the purpose of the processing, or if the data processing is illegitimate. SPVOZN will then stop the processing, unless the person concerned has given permission for the processing, SPVOZN needs the data for a court case, or the processing is

necessary for the protection of the rights of another person, or for other important reasons.

Notification duty e. Once SPVOZN has carried out a correction or deletion of personal data at the request of a person concerned, or has limited the processing of personal data, SPVOZN will inform any recipients of the personal data concerned.

13.2 SPVOZN will deal with a request from a person concerned as soon as possible, but, in any event, within a month after receipt of the request. Dependent on the complexity and the number of requests, the term can, if necessary, be extended by two months. In the event of this extension, the person concerned will be informed within a month following the receipt of the request. If the person concerned has submitted his/her request electronically, the information will, if possible, be electronically supplied, unless the person concerned requests differently. If SPVOZN does not wish to comply with the request from the person concerned, SPVOZN will immediately, and, in any event, within a month after receipt of the request, inform the person concerned as to why the request will not be honoured and will inform the person concerned about the possibility to submit a complaint with the Authority Personal Data, or to appeal to the law courts.

13.3 If prior permission is required for the processing of personal data, this approval can, at any time, be withdrawn by the person concerned or his/her legal representative. If permission is withdrawn, SPVOZN will cease the processing of personal data, except if there is another reason for the data processing (as meant in Article 7a - 7d). Withdrawal of permission does not affect the legality of the processing that has already taken place.

Article 14 **Transparency**

SPVOZN will inform the person(s) concerned in a pro-active manner about the processing of their personal data, in any event, by means of an easily-understood privacy statement. In the privacy statement the following information should, in any event, be included:

- a) the contact details of SPVOZN;
- b) the contact details of the official responsible for data processing at SPVOZN;
- c) the purposes of the data processing and the bases for the processing;
- d) a description of the interests of SPVOZN, if the processing is based on the justifiable interest of SPVOZN;
- e) the (categories of) recipients of the personal data, such as processors or third parties;
- f) in specific cases: or if the personal data is being sent to countries outside the European Economic Area (EER);
- g) how long the personal data is being stored;
- h) that the person concerned has a right to request SPVOZN for inspection, correction or deletion of personal data and that he/she has a right to request limiting the processing, to object or to appeal to the right of data transferability;

i) that the person concerned has the right to withdraw his/her permission, if the data processing is based on permission, unless there is another basis for the data processing (as meant in Article 7a - 7d);

j) that the person concerned has the right to lodge a complaint with the Authority Personal Data;

k) whether the provision of personal data is a legal or contractual obligation, of a necessary condition to reach an agreement, and/or the person concerned is obliged to supply personal data and what the consequences would be if he/she does not supply the personal data;

l) the existence of automated decision making, accompanied by useful information about the underlying logic, as well as the interest and the expected consequences of the processing for the person concerned.

Article 15 Duty to report data leaks

Everyone concerned in the processing of personal data is obliged to report any data leak immediately to the contact point, privacy@spvozn.nl, in accordance with the protocol security incidents and data leaks of SPVOZN. A data leak is every breach in which personal data have been destroyed, lost, altered, supplied or made accessible.

Article 16 Complaints

15.1 If a person concerned is of the opinion that the actions of SPVOZN are not in accordance with the AVG, this regulation or (other) laws and regulations applicable, a complaint may be submitted in accordance with the current complaints regulation within SPVOZN. The person concerned may also contact the officer for data protection of SPVOZN.

15.2 If a complaint has not been handled correctly by SPVOZN, according to the person concerned, he/she may contact the law courts, or the Authority Personal Data.

Article 17 Unforeseen situation

If a situation occurs that is not described in this regulation, the Executive Board of SPVOZN will take the necessary measures, and an assessment will be made whether this regulation needs to be supplemented or amended as a result.

Article 18 **Changes regulation**

- 18.1 This regulation was established by the Executive Board of SPVOZN after approval by the Participation Council (MR). The regulation is published on the website SPVOZN and on the websites of the schools. The regulation is actively publicised by, for instance, references in the school guide.
- 18.2 The Executive Board can amend this regulation after approval by the MR.

Article 19 **Conclusion**

This regulation is cited as the privacy regulation of SPVOZN and comes into effect on 13 May 2018.