



General Data Protection Regulation Compliance

I. Introduction

Albany State University is an institute of higher education involved in education, research and community development. In order for Albany State University to educate its foreign and domestic students both in class and on-line, engage in world-class research, and provide community services, it is essential and necessary, and Albany State University has a lawful basis, to collect, process, use, and/or maintain the personal data of its students, employees, applicants, research subjects, and others involved in its educational, research, and community programs. These activities include, without limitation, admission, registration, delivery of classroom, on-line, and study abroad education, grades, communications, employment, applied research, development, program analysis for improvements, and records retention.

In the event that any information contained within this policy conflicts with any Board of Regents (BOR) policy, the BOR policy controls.

II. Purpose

Albany State University takes seriously its duty to protect the personal data it collects or processes. In addition to Albany State University's overall data protection program, the European Union General Data Protection Regulation (EU GDPR) imposes obligations on entities, like Albany State University, that collect or process personal data about people in the European Union (EU). The EU GDPR applies to personal data Albany State University collects or processes about anyone located in the EU, regardless of whether they are a citizen or permanent resident of an EU country. Among other things, the EU GDPR requires Albany State University to:

- 1) Be transparent about the personal data it collects or processes and the uses it makes of any personal data;
- 2) Keep track of all uses and disclosures it makes of personal data;
- 3) Appropriately secure personal data.

This policy describes Albany State University's data protection strategy to comply with the EU GDPR.

III. Definitions (if any)

Collect or Process Data – Collection, storage, recording, organizing, structuring, adaptation, or alteration, consultation, use, retrieval, disclosure by transmission/dissemination or otherwise make data available, alignment or combination, restriction, erasure or destruction of personal data, whether or not by automated means.

Consent – Consent of the data subject means any freely given, specific, informed and unambiguous indication of the data subject’s wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her. Under the EU GDPR:

- 1) Consent must be a demonstrable, clear affirmative action.
- 2) Consent can be withdrawn by the data subject at any time and must be as easy to withdraw consent as it is to give consent.
- 3) Consent cannot be silence, a pre-ticked box or inaction.
- 4) Consent should not be regarded as freely given if the data subject has no genuine or free choice or is unable to refuse or withdraw consent without detriment.
- 5) Request for consent must be presented clearly and in plain language.
- 6) Maintain a record regarding how and when consent was given.

Controller – The natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data.

Identified or Identifiable Unit – An identified or identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, psychological, genetic, mental, economic, cultural or social identity of that person. Examples of identifiers include, but are not limited to: name, photo, email address, identification number such as Ram ID#, Ram Account (User ID), physical address or other location data, Internet Protocol address or other online identifier.

Lawful Basis – Processing of personal data shall be lawful only if and to the extent that at least one of the following applies:

- 1) The data subject has given consent to the processing of his or her personal data for one or more specific purposes;
- 2) Processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
- 3) Processing is necessary for compliance with a legal obligation to which the controller is subject;
- 4) Processing is necessary in order to protect the vital interests of the data subject or of another natural person;
- 5) Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;
- 6) Processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party.

Legitimate Interest – Processing of personal data is lawful if such processing is necessary for the legitimate business purposes of the data controller/processor, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data.

Personal Data – Any information relating to an identified or identifiable person (the data subject).

Processor – A natural or legal person, public authority, agency or other body who processes personal data on behalf of the controller.

Sensitive Personal Data – Special categories of personal data that require consent by the data subject before collecting or processing are:

- 1) Racial or ethnic origin;
- 2) Political opinions;
- 3) Religious or philosophical beliefs
- 4) Trade union membership;
- 5) Genetic, biometric data for the purposes of uniquely identifying a natural person;
- 6) Health data;
- 7) Data concerning a person’s sex life or sexual orientation

IV. Policy

Lawful Basis for Collecting or Processing Personal Data

Albany State University has a lawful basis to collect and process personal data. Most of Albany State University’s collection and processing of personal data will fall under the following categories:

- 1) Processing is necessary for the purposes of the legitimate interests pursued by Albany State University or by a third party.
- 2) Processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract.
- 3) Processing is necessary for compliance with a legal obligation to which Albany State University is subject.
- 4) The data subject has given consent to the processing of his or her personal data for one or more specific purposes.

There will be some instances where the collection and processing of personal data will be pursuant to other lawful bases.

Data Protection & Governance

Albany State University will protect all personal data and sensitive personal data that it collects or processes for a lawful basis. Any personal data and sensitive personal data collected or processed by Albany State University shall be:

- 1) Processed lawfully, fairly, and in a transparent manner.
- 2) Collected for specified, explicit, and legitimate purposes, and not further processed in a manner that is incompatible with those purposes.
- 3) Limited to what is necessary in relation to the purposes for which they are collected and processed.
- 4) Accurate and kept up to date.
- 5) Retained only as long as necessary.
- 6) Secure.

Sensitive Personal Data & Consent

Albany State University must obtain consent before it collects or processes sensitive personal data.

Individual Rights

Individual data subjects covered by this policy will be afforded the following rights:

- 1) Information about the controller collecting data.
- 2) The data protection officer contact information (if assigned).
- 3) The purposes and lawful basis of the data collection/processing.
- 4) Recipients of personal data.
- 5) If Albany State University intends to transfer personal data to another country or international organization.
- 6) The period the personal data will be stored.
- 7) The existence of the right to access, rectify incorrect data or erase personal data, restrict or object to processing, and the right to data portability.
- 8) The existence of the right to withdraw consent at any time.
- 9) The right to lodge a complaint with a supervisory authority (established in the EU).
- 10) Why the personal data are required, and possible consequences of the failure to provide the data.
- 11) The existence of automated decision-making, including profiling.
- 12) If the collected data are going to be further processed for a purpose other than that for which it was collected.

Note: Exercising these rights is a guarantee to be afforded a process and not the guarantee of an outcome.

Procedures

Albany State University's Privacy Notice to data subjects must specify the lawful basis for Albany State University to collect or process personal data and include:

- 1) Whether their personal data are being collected or processed and for what purpose;
- 2) Categories of personal data concerned;
- 3) To whom personal data is disclosed;
- 4) Storage period (records retention period);
- 5) Existing of individual rights to rectify incorrect data, erase, restrict or object to processing;
- 6) How to lodge a complaint;
- 7) The source of the personal data (if not collected from the data subject);
- 8) The existence of automated decision-making, including profiling.

V. Exceptions

This policy applies to the personal data and sensitive personal data protected by the EU GDPR and all Albany State University units who collect or process personal data and sensitive personal data protected by the EU GDPR. There are no exclusions or exceptions to the policy.

VI. Applicability

ASU Campus Community
ASU Faculty and Staff
ASU Students

VII. Accountability

Albany State University Office of Internal Audit, Risk & Compliance
Albany State University Division of Information Technology Services

VIII. Contacts

Albany State University Executive Director of Internal Audit
Albany State University Vice President and Chief Information Officer

IX. References

A link to the Albany State University Privacy Notice is available on the footer of all Albany State University websites – Privacy & Legal Statement.

Any individual wishing to exercise his/her right under this policy should contact the Office of Legal Affairs at LegalAffairs@asurams.edu.

Any Albany State University unit that suspects that a breach or disclosure of personal data has occurred must immediately notify Albany State Information Security at infosec@asurams.edu.

To report suspected instances of noncompliance with this policy, please contact the Office of Internal Audit, Risk & Compliance at OIA@asurams.edu, or visit Albany State University's Ethics & Compliance Reporting Hotline, a secure and confidential reporting system, at: <https://www.asurams.edu/internal-audit/hotline-reporting.php>.

Last Update

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