



## EU General Data Protection Regulation Compliance (GDPR)

Authority for Procedure granted by UWG Policy #5003, Privacy.

The University of West Georgia ("UWG") protects the personal data it collects or processes. The European Union General Data Protection Regulation ("EU GDPR") imposes obligations on entities, like UWG, that collect or process personal data about people in the European Union ("EU"). The EU GDPR applies to personal data UWG 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 UWG 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, and
3. appropriately secure personal data.

### Lawful Basis for Collecting or Processing Personal Data

UWG has lawful bases to collect and process personal data. Most of UWG'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 UWG 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 UWG 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

UWG 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 UWG 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. properly secured.

## Sensitive Personal Data & Consent

UWG 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 the data
2. the data protection officer contact information (if assigned)
3. the purposes and lawful basis of the data collection/processing
4. recipients of the personal data
5. if UWG 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

## Additional Guidelines

The Chief Legal Officer is authorized to establish guidelines for compliance with the EU General Data Protection Regulation. Additionally, other University Units may develop additional procedures specific to the unit, but in the event any conflicts arise between the versions, the provisions stated herein will control.

## Definitions

**Collect or Process Data** - Collection, storage, recording, organizing, structuring, adaptation or alteration, consultation, use, retrieval, disclosure by transmission/dissemination or otherwise making 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/she/they, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him/her/them. Under the EU GDPR:

- a. Consent must be a demonstrable, clear affirmative action.
- b. 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.
- c. Consent cannot be silence, a pre-ticked box or inaction.
- d. 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.
- e. Request for consent must be presented clearly and in plain language.
- f. 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 Person** - 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



## UNIVERSITY OF WEST GEORGIA

identification number, location data, an on line 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 a UWG ID#, UWG Account (User ID), physical address or other location data, IP 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:

- a. The data subject has given consent to the processing of his or her personal data for one or more specific purposes;
- b. 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;
- c. Processing is necessary for compliance with a legal obligation to which the controller is subject;
- d. Processing is necessary in order to protect the vital interests of the data subject or of another natural person;
- e. 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; f. 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). Examples of how a person may be identified include but are not limited to: name, photo, email address, identification number such as UWG ID#, UWG Account (User ID), physical address or other location data, IP address or other online identifier, etc.

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:



# UNIVERSITY OF WEST GEORGIA

- Racial or ethnic origin
- Political opinions
- Religious or philosophical beliefs
- Trade union membership
- Genetic, biometric data for the purposes of uniquely identifying a natural person
- Health data
- Data concerning a person's sex life or sexual orientation

University Unit - For the purpose of this policy a University Unit includes academic departments, class related events (e.g. practicum), staff organizations, and similarly organized University groups.