

Southwestern Oregon Community College

AP 3800 EU General Data Protection Regulation

The College shall comply with the European Union (“EU”) General Data Protection Regulation (“GDPR”) with respect to personal data the College collects or processes about an individual (“Data Subject”) while the Data Subject is a citizen or permanent resident of an EU country. “Personal Data” shall refer to any information relating to an identified or identifiable Data Subject.

The European Union (“EU”) currently includes the following 27 member countries: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, and Sweden.

Lawful Basis or Bases for Collecting and Processing Personal Data

Southwestern Oregon Community College is an institution of higher education that offers courses to undergraduate and continuing education students, confers degrees and certificates, and participates in various community engagement activities. The College Admissions Department in conjunction with the International Students and Programs Office (“ISPO”) processes and uses personal data to review and process immigration documentation, and maintain legal obligations with the U.S. Department of Homeland Security on behalf of Southwestern Oregon Community College.

Southwestern Oregon Community College, the Admissions Department, and the ISPO’s lawful basis for collecting and processing personal data include the following:

- Processing is necessary for the legitimate interests pursued by the College or third parties in providing immigration documents for Data Subjects who wish to pursue higher education or other academic activities at the College.
- 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.
- Processing is necessary for compliance with a legal obligation to which the College is subject.
- The Data Subject has given consent for the processing of his or her Personal Data for one or more specific purposes. In the case of a Data Subject who is under the 16 years of age, consent must be given or authorized by the Data Subject’s parent or legal guardian.
- Processing is necessary to protect the vital interests of the Data Subject or of another person.
- Processing is necessary for the performance of a task carried out in the public interest.

Types of Personal Data Collected/Processed and Purpose

In accordance with the GDPR’s “Right to Information” on the collection of Personal Data, the Admissions Department and the ISPO collect the following categories of data in order to provide immigration documents and maintain legal obligations.

- Name
- Contact Information including, without limitation: email address, physical address, phone number, and other location data
- Unique personal identifiers and biographical information: e.g. date of birth
- Details of education history and/or qualifications
- Information related to visa requirements, e.g. copies of passport, to ensure compliance with U.S. laws.

- Financial information related to visa requirements and for the purposes of administering fees, charges, tuition waivers, etc.
- Information related to the prevention and detection of crime and the safety of employees, students and visitors of the College.

The Personal Data that the Admissions Department and the ISPO collect may be shared with other offices of Southwestern Oregon Community College, including academic departments, business services, student services, student housing, athletics, campus security, financial aid, registration services, and other offices necessary to facilitate issuing necessary immigration documentation and maintain legal compliance with U.S. non-immigrant visa laws. Third parties include the U.S. Department of Homeland Security.

Where Southwestern Oregon Community College Obtains Personal and Sensitive Personal Data

Southwestern Oregon Community College receives Personal and Sensitive Personal Data from multiple sources. Most often, the College receives data directly from the Data Subject or under the direction of the Data Subject who has provided it to a third party, e.g. recruitment agency assisting the Data Subject with inquiries or admission to the College.

Data Protection Officer

The College's CIO/ITS Director shall serve as the campus "Data Protection Officer". The duties of the Data Protection officer shall include but not be limited to:

- Receive comments and questions from data subjects related to the processing of their personal data;
- To monitor the College's compliance with the GDPR and inform College employees of their obligations under the GDPR as needed;
- To perform data protection impact assessments, cooperate with the Data Protection Supervisory Authority if needed, and communicate with the Data Protection Supervisory Authority on matters relating to the processing of personal data and other matters, where appropriate.*

Specific questions regarding the collection and/or complaints regarding the use of personal data should be directed to the College's designated Data Protection Officer.

* The Data Protection Authority is the agency within each EU country that is responsible for GDPR assistance and enforcement. The Data Protection Supervisory Authority refers to the specific Data Protection Authority from an EU member country with jurisdiction over a particular matter, e.g., a representative from Germany contacting the College regarding a matter concerning a Data Subject of the same country.

Individual Rights of the Data Subject under the GDPR

One of the aims of the GDPR is to empower Data Subjects to have control over their personal data. The GDPR grants the following rights to all Data Subjects:

- **The right of access:** commonly referred to as subject access, grants Data Subjects the right to obtain a copy of their personal data from the College, as well as other supplementary information, upon request ;
- **The right to rectification:** this gives the Data Subject the right to have inaccurate personal data rectified, as well as incomplete personal data completed;
- **The right to erasure:** Also referred to as the 'right to be forgotten', gives the Data Subject, verbally or in writing, the right to have their personal data permanently erased from the College record without undue delay in which one of the following situations applies:
 - The Personal Data is no longer necessary for the purpose it was collected or processed;

- The Data Subject withdraws consent in the case in which processing of the data was based on said consent
 - The Data Subject objects to processing of personal data in a situation in which there is no overriding legitimate interest for the College to continue processing;
 - The College is processing Personal Data for direct marketing purposes and the Data Subject objects to this processing;
 - The Data Subject's Personal Data was processed unlawfully;
 - Personal Data must be erased to comply with a legal ruling or obligation.
- The College shall also have the right to object to erasure of Personal Data under the following circumstances:
 - The data is being used to comply with a legal ruling or obligation such as the maintenance of a Data Subject's record in SEVIS;
 - The data is being used to perform a task carried out in or serving the public interest;
 - The data represents important information that serves scientific research, historical research, or statistical purposes of the College in which erasure of the data would likely impair or halt progress towards the achievement that was the goal of processing;
 - The data is being used for the establishment of a legal defense or other legal claims.
 - The College shall have the right to request a "reasonable fee" or deny a request to erase personal data if the College can justify that the request was unfounded or excessive.
- **The right to restrict processing:** As an alternative to the erasure of data, a Data Subject may request the College to stop using their Personal Data, but with the College still maintaining the right to store the data. In the case of granting such a request, the college shall have 30 days to comply. Processing consist of many elements such as collection, structuring and dissemination of data. In such as case, the College may be obligated to perform the following actions:
 - Temporarily move the Personal Data to another processing system;
 - Make the data unavailable to users
 - Temporarily remove published data from the College, or College affiliated, website;
 - **The right to data portability:** Data subjects have the right to obtain and reuse their Personal Data for their own use such as moving, obtaining copies, and copying or transferring their data from one IT environment to another in a safe and secure way without affecting the data's usability;
 - **The right to object:** In certain circumstances, Data Subjects are entitled to object to their Personal Data being used such as for direct marketing purposes of the College or situations in which legal obligations or other legitimate and/or lawful interests pertaining to the processing of the Personal Data do not apply;
 - **The right not to be subject to a decision based solely on automated processing, including profiling:** In the case in which automated processing of data results in a legal decision affecting a Data Subject, the Data Subject has the right to request human involvement in such a decision, e.g. an automated bill to a Data Subject produced by the College is contested by the Data Subject, the College, under the guidelines of the GDPR, is obligated to have a relevant employee of the College check the accuracy of the bill.

Exercising the above rights guarantees access to a process but does not guarantee a particular outcome.

Sharing of Personal Data with Third Parties

Southwestern Oregon Community College shall not share Personal Data with third parties except:

- As necessary to meet one of its lawful purposes, including but not limited to, its legitimate interest, contract compliance, pursuant to consent provided by the Data Subject, or as required by law;
- As necessary to protect the interest of the College;
- With service providers acting on behalf of the College who have agreed to protect the confidentiality of the Personal Data.

Cookies

Cookies are files that websites transfer to users' web browsers to enable the site to deliver personalized services or to provide persistent authentication. The information contained in a cookie typically includes information collected automatically by the web server and/or information provided voluntarily by the user. Southwestern Oregon Community College's website uses persistent cookies in conjunction with third party technology to analyze search engine usage and web traffic patterns. This information is used in the aggregate to monitor and enhance the web pages of the College. This information is not used to track the usage patterns of individual users.

Security of Personal Data vs. Sensitive Personal Data Subject to the GDPR

The GDPR makes a distinction between "Personal Data" and "Sensitive Personal Data". "Personal Data" refers to any information relating to an identified or identifiable natural person ("Data Subject") such as their name, physical appearance, address, DOB, etc.

"Sensitive Personal Data" refers to a specific set of special categories that must be treated with extra security. These categories include:

- Racial or ethnic origin;
- Political opinions or affiliations;
- Religious or philosophical beliefs;
- Trade union membership;
- Genetic data;
- Biometric data.*

Sensitive Personal Data, if collected, should be held in a locked drawer or filing cabinet, and, as with Personal Data, should only be kept on laptops or portable devices if the file has been encrypted and/or pseudonymised.**

In addition, all Personal Data and Sensitive Personal Data collected or processed by Southwestern Oregon Community College under the scope of the GDPR must comply with the security controls and process requirements and standards set forth in the College's Administrative Policies and Procedures.

*Biometrics are physical or behavior patterns that can be used to digitally identify a person (Data Subject) to grant access to systems, devices or data, e.g. fingerprints, facial patterns, voice and typing cadence.

**Pseudonymisation masks data by replacing identifying information with artificial identifiers, similar to encryption, however anyone with access to the data may view part of the data set, whereas encryption allows data access only to approved users.

Data Retention

Southwestern Oregon Community College maintains records for the time periods specified in the College's Administrative Policies and Procedures.

Adopted: February 3, 2021