Appendix 10 Regulations governing Personal Data Protection

Appendix 10 Regulations governing Personal Data Protection at Radboud University

I Definition of terms

Article 1
In these Regulations, the following terms have the following meanings:

a. personal data: any data concerning an identified or identifiable person concerned;
b. processing of personal data: any act or collection of acts concerning personal data, including in any case the collection, recording, ordering, storing, updating, changing, retrieval, consultation, use, provision by means of forwarding, distribution or any other provision method, compiling, association, as well as the protection, exchange or destruction of data;
c. person concerned: the person to whom personal data relates;
d. manager: an official appointed by the Executive Board to perform certain duties and exercise certain powers in connection with these Regulations on behalf of the Executive Board;
e. provision of personal data: the disclosing or making available of personal data;
f. consent from the person concerned: any freely given specific and informed indication of intent by which the person concerned accepts that the personal data concerning him or her will be processed.

II Processing of personal data

Article 2
The Executive Board is responsible for the processing of personal data.

Article 3
Personal data will be processed appropriately and carefully and in accordance with the law. Personal data will be collected for clearly defined, expressly described and justified purposes.

Article 4
Personal data may only be processed:

a. if the person concerned has given his or her unambiguous consent for the processing;
b. if the data processing is necessary for the formation and execution of an agreement with the person concerned;
c. if the data processing is necessary in order to comply with a statutory obligation to which the party responsible for the data processing is subject;
d. if the data processing is necessary in order to safeguard a vital interest of the person concerned;
e. if the data processing is necessary in order to look after the justified interests of the person responsible for the data processing;
f. in the cases referred to in the Dutch Personal Data Protection Act (Wet bescherming persoonsgegevens).
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Article 5
Personal data will not be processed further in any way that is incompatible with the purposes for which it was obtained.
When assessing whether any processing is incompatible within the meaning of this article, the following will in any case be taken into account:
   a. the connection between the purpose of the intended processing and the purpose for which the data was obtained;
   b. the nature of the relevant data;
   c. the consequences of the intended processing for the person concerned;
   d. the manner in which the data was obtained;
   e. the degree to which appropriate safeguards are provided for the person concerned.
Further processing of the data for historical, statistical or scientific purposes is not deemed to be incompatible if sufficient provisions have been made to ensure that further processing is done only for such specific purposes.

Article 6
The Executive Board will inform the person concerned of the processing purposes for which the data is intended.

III Provision of personal data

Article 7
1. The manager will only provide personal data to persons and bodies within the university community if this is not incompatible with the purposes of the data processing.
2. The Executive Board will only provide personal data to persons and bodies outside the university community if this is not incompatible with the purposes of the data processing.
3. The Executive Board may provide Statistics Netherlands (Centraal Bureau voor de Statistiek) with such personal data concerning students as required by Statistics Netherlands in order to compile statistics in connection with university education.
The manager of the relevant category of personal data may inform the Chief Medical Inspector of Public Health if a student has passed the master’s examination or final examination in medicine or dentistry.
The manager of the relevant category of personal data may once only inform the professional organization for the relevant field of study if a student has passed the master’s examination and, in the case of the degree programmes in medicine and dentistry, also the final examination in medicine or dentistry.

IV Data management

Article 8
1. With regard to the management of the personal data of students, the Student Affairs Director is the manager of the categories of personal data kept by the Central Student Administration Office and the central university student facilities.
The deans of the faculties are managers of the categories of personal data kept by the faculties.
2. With regard to the management of the personal data of staff, the secretary of the Executive Board is the manager of the categories of personal data kept at central level.
The deans of the faculties are managers of the categories of personal data kept by the faculties.
The directors of the Central Administration and University Facilities are managers of the categories of personal data kept by the Central Administration and University Facilities.
The directors of the institutes are managers of the categories of personal data kept by the institutes.
3. With regard to the management of the personal data of alumni, the manager is the director of the Central Administration.

V Security and storage of personal data
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Article 9
1. The Executive Board will ensure that appropriate technical and organizational measures are taken to secure personal data against loss or any form of unlawful processing.
2. Every manager will take the measures necessary to prevent unlawful processing of the data managed by him.

Article 10
1. Personal data will not be stored in a form that allows for identification of the person concerned any longer than required for the realization of the purposes for which the data was obtained or subsequently processed.
2. Personal data may be stored longer than provided for in the previous article in so far as the data is stored for historical, statistical or scientific purposes and the necessary provisions have been made to safeguard that the relevant data is used exclusively for those specific purposes.
3. The manager will ensure that personal data is destroyed if and in so far as the data may no longer be stored in accordance with the above provisions.

VI Right to inspect, obtain a copy, improve, supplement, remove, protect and object

Article 11
1. Every person concerned has the right to inspect his stored personal data. A request to that effect must be submitted in writing to the Executive Board or the manager.
2. A request to inspect will be granted within four weeks of having been received and the person submitting the request will be informed of this in writing within this period.
3. Every person concerned has the right, at regular intervals from the date of his request, to obtain a copy of his stored personal data.
4. Every person concerned may submit a request to the manager to improve, supplement, remove or protect his stored personal data.

The manager will grant the request if the data is factually incorrect, incomplete or not relevant as regards the purpose for which the data has been processed or is in some other manner contrary to these regulations or any statutory provisions. The person concerned, as well as the persons to whom incorrect data of the person concerned has been provided, will be informed of this within four weeks of receipt of the request.

If the manager does not grant the request, he will inform the person who submitted the request, stating reasons, within four weeks of having received the request. The person who submitted the request has the right to apply to the Executive Board. The Executive Board will decide whether the request will be granted after all.

Article 12
1. An objection may be lodged with the Executive Board to:
   a. every processing of personal data;
   b. every other action or omission of a manager as a result of which the privacy of the enrolled student may be breached.

The Executive Board will decide within four weeks of receipt of the objection.

2. An objection may only be lodged by a person or body who has a reasonable interest in the matter, to be determined by the Executive Board.

3. If an objection is upheld, the Executive Board will take those measures that are necessary in order to minimize the consequences of the action in question as much as possible.

Article 13
If a person concerned is not able to exercise the right to inspect, obtain a copy, improve, supplement, remove, protect or object, he may authorize another person to do so, in writing.

VII CCTV Monitoring
Article 14

The use of CCTV monitoring is considered to be a form of personal data processing. The following additional conditions apply in this respect:

a. CCTV monitoring is only permitted:
   - to protect the safety and health of people
   - to monitor inside buildings and on the campus grounds
   - to guard objects in the buildings and on the campus grounds;

b. where there are cameras, this must be clearly stated;

c. with regard to the storage of the data recorded by means of the CCTV monitoring it applies that images may only be stored if a camera has been placed to guard objects in the buildings and on the campus grounds. The above provisions of Article 10 apply by analogy to the data recorded by means of CCTV monitoring, with the proviso that this data may not be stored for more than 3 working days, unless an incident has been recorded;

d. if images are stored, they will only be accessible to members of the Executive Board, the head of the Security and Parking Surveillance Department, the authorized dean or director of the Central Administration or University Facilities and, in their absence, their two designated deputies. The Representative Councils concerned or, in the case of faculties, the Faculty Joint Meeting, must approve the deputies beforehand;

e. if the CCTV monitoring is increased, the use of a camera is changed or a camera is moved, the approval of the Representative Council concerned or, in the case of faculties, the Faculty Joint Meeting must be requested first;

f. the Works Council and the University Student Council will receive an overview of the current camera surveillance annually. This will include the location of the cameras and their use and it will specify which officials have access to the monitors and any images stored.
VIII Final provisions

Article 15
  In cases not provided for by these Regulations, the Executive Board will decide.

Article 16
  1. These Regulations are cited as ‘Regulations governing Personal Data Protection at Radboud University’.
  2. These Regulations will enter into force on 1 December 2008.

  Adopted by the Executive Board on 1 December 2008.