



## **REGULATION**

### **PROTECTION OF STUDENT PERSONAL DATA**

**APPROVED:** at the Council meeting of the College of Law of 24 January 2019, Minutes No. 3-01/054

Issued in accordance with the Personal Data Protection Law

#### **I. General Provisions**

1. The Procedure determines the terms and conditions of the personal data protection of the students of the College of Law (hereinafter – the CL) for the lawful processing of data at the CL in accordance with the requirements of the Personal Data Protection Law (hereinafter – Law) and other regulatory enactments (hereinafter – Procedure).

2. Student personal data are processed to fulfil the functions and tasks of the CL. All personal data of students are protected by observing the right to privacy enshrined in Article 96 of the Constitution of the Republic of Latvia.

3. Compliance with the Procedure applies to all employees of the CL (including volunteers, trainees, etc.) involved in fulfilling the functions of the higher education institution and interacting with the student personal data.

4. The following terms apply to the processing of student personal data in accordance with the law:

- 4.1. data subject – a student of the CL who can be directly or indirectly identified;
- 4.2. consent of the data subject – a student’s free, unequivocal declaration of will by which he/she authorises the processing of personal data in accordance with the information provided by the manager;
- 4.3. personal data – any information relating to an identified or identifiable student;
- 4.4. personal data processing – any action taken on the personal data of the student, including the collection, recording, entry, storage, arrangement, modification, use, transfer, transmission and disclosure, blocking or deletion of data;
- 4.5. personal data processing system – any structured set of personal data in any form that is accessible, by observing relevant personal identification criteria;
- 4.6. personal data operator – a person authorised by the manager who performs the processing of student personal data on behalf of the manager;
- 4.7. recipient of personal data – a natural or legal entity to whom the student personal data are disclosed;
- 4.8. sensitive personal data – student personal data indicating race, ethnic origin, religious, philosophical and political beliefs, trade union membership, and information on a person’s health or sexual life;
- 4.9. manager – the CL (or in some cases the founder of the CL when the

College is a personal data processing site) that defines the purpose and processing means of personal data processing, as well as is responsible for processing of the student personal data in accordance with regulatory enactments regarding data protection of natural entities;

4.10. third party – any natural or legal entity other than the data subject, the CL or persons directly authorised by the CL.

## **II. Security Measures of Student Personal Data**

5. The CL ensures the protection of student personal data by setting a specific and clear purpose for the processing of personal data of each individual.

6. The student personal data shall only be used for a legitimate and predetermined purpose related to the fulfilment of functions of the educational institution. The Director of the CL is responsible for identifying, implementing and controlling such goals personally and through the staff of the CL. Student personal data shall not be used for commercial, political or other purposes not related to the provision of educational function without the consent of the data subject or if there is no other basis for the legal processing of the data.

7. The processing of student personal data is subject to the principle of proportionality, which requires the CL to process only the data that are necessary to achieve a specific purpose.

8. The duration of the processing of student personal data is related to a certain purpose of personal data processing. Data storage is not permitted after a certain purpose is achieved, except in cases when regulatory enactments envisage it and the Director of the CL sets a reasonable need for the storage of such data.

9. The Director of the CL ensures the security of the student personal data, namely, ensures the confidentiality of the data and prohibits the unauthorised access of the data by third parties. Any personal data of students can only be accessed by an authorised employee if his/her job responsibilities are related to the processing of the specified data.

10. In addition to Paragraph 9 of this Procedure, the Director of the CL is responsible for ensuring that the personal data of students are not distorted, corrupted or accessed by unauthorised persons.

11. To ensure the protection of student personal data, the College shall introduce at least the following additional security measures:

11.1. for premises – fire safety measures in accordance with the regulatory enactments regarding fire safety at an educational institution;

11.2. for information technology and data: backup copies, installed antivirus software, regular change of technical passwords.

## **III. Basic Principles of Student Data Processing**

12. Every student of the CL has the right to protection of his/her personal data.

13. The processing of personal data is permitted under the Regulation of the CL and only if at least one of the following conditions is met:

13.1. there is the data subject's consent;

13.2. data processing is required for the CL to fulfil its own defined functions;

13.3. data processing is necessary to protect the student's vital interests,

including life and health;

13.4. data processing is necessary to ensure that the public interest is respected or public authority tasks are carried out for which the student personal data are transferred to the CL;

13.5. data processing is necessary in order to represent the legitimate interests of the CL while respecting the fundamental rights and freedoms of the student.

14. To protect the student's interests, the CL ensures:

14.1. fair and lawful processing of personal data;

14.2. processing of personal data only for the intended purpose and to the extent necessary for it;

14.3. the type of storage of the student personal data allowing the student to be identified during a relevant period not exceeding the time limit set for the intended purpose of data processing;

14.4. the accuracy and timely updating, correction or deletion of student personal data, if personal data are incomplete or inaccurate in accordance with the purpose of personal data processing.

15. The processing of student sensitive personal data is prohibited, except in the cases related to the fulfilment of the functions of the CL:

15.1. the data subject has given written consent to the processing of his/her sensitive data;

15.2. the processing of personal data is necessary to protect the life and health of the student or other person, and the student is legally or physically unable to give his or her consent;

15.3. the processing of personal data is necessary for the treatment needs and the provision of healthcare services;

15.4. processing refers to personal data which are necessary for the protection of the rights or legal interests of a natural or legal entity in court;

15.5. the processing of personal data is necessary for the provision of social assistance, and it is carried out by the social assistance provider;

15.6. the processing of personal data is necessary for statistical research by the Central Statistical Bureau;

15.7. the processing of personal data is necessary in order to fulfil public administration functions or to establish the statutory state information system.

### **III. Student Rights**

16. Upon obtaining the student personal data, the CL is obliged to provide the student with such information, unless it is already at the disposal of the data subject:

16.1. the name and surname, as well as address of the manager and personal data operator;

16.2. the purpose and substantiation of personal data processing.

17. At the request of the data subject, the manager is obliged to provide the following information:

17.1. potential recipients of personal data;

17.2. the student's right to access and rectify his/her personal data;

17.3. whether the response is mandatory or voluntary and the possible consequences of not responding;

17.4. the legal basis for personal data processing.

18. The provisions of Paragraphs 16 and 17 of this Procedure shall not apply if regulatory enactments permit the processing of student personal data without disclosing its purpose.

19. If personal data are not obtained from a student, the CL is obliged to provide the data subject with the following information when collecting or for the first time disclosing such personal data to third parties:

19.1. the name and surname, as well as address of the manager and personal data operator;

19.2. the purpose of personal data processing.

20. If the data subject requests information regarding video surveillance, a student is obliged to provide the information required by the manager for the identification of the data subject and the requested personal data.

21. The provisions of Paragraphs 19 and 20 of this Procedure shall not apply if:

21.1. the regulatory enactments provide for the processing of personal data without informing the data subject thereof;

21.2. informing the data subjects requires disproportionate effort or is impossible when processing the personal data for scientific, historical or statistical research or for the creation of the Latvian National Archive Fund.

22. In addition to the rights referred to in Paragraphs 16–21 of this Procedure, the data subject shall have the right to obtain all information collected about him/her in any personal data processing system, unless it is prohibited to disclose it in accordance with the law on national security, national defence, public security, criminal law as well as to ensure public financial interests in tax matters or the supervision and macroeconomic analysis of financial market participants.

23. The data subject shall have the right to obtain information about those natural or legal entities who have received information about the data subject from the manager within a specified period of time.

24. The data subject shall also have the right to request the following information:

24.1. the name, surname and address of the manager;

24.2. the purpose, scope and type of personal data processing;

24.3. the date on which the data subject's personal data were last corrected, deleted or blocked;

24.4. the source of personal data, unless the regulatory enactments prohibit the disclosure of such information;

24.5. processing methods used in automated processing systems, for which individual automated decisions are made.

25. The data subject shall have the right to request that his/her personal data be supplemented or rectified, or stopped being processed or be destroyed if the personal data are incomplete, outdated, false, illegally processed or no longer necessary for the purpose of collection. If the data subject can justify that the student personal data are incomplete, outdated, false, illegally processed, or no longer necessary for the purpose of collection, the CL is obliged to immediately rectify the deficiency or violation and notify third parties who have previously received the processed data.

26. The data subject shall have the right to receive a written response from the manager in writing within one month from the date of submission of the request.

#### **IV. Student Personal Data by Type and Their Processing Conditions**

27. The student's personal identity code shall be processed (used) if it is determined by regulatory enactments or there is the consent of the data subject and if the processing of the personal identity code is necessary to achieve a certain purpose of processing of student personal data.

28. The use of student's photographs in documents, informative materials, internal bulletin, at the website of the CL, as well as their public use at the College's premises or otherwise is permitted, as long as they do not interfere with the student's privacy.

29. Processing of student data at the College's websites is allowed observing the requirements of data security. Each user is entitled to access only those data that are relevant to him/her or related to his/her job responsibilities. The student is prohibited from accessing personal data of other students. Passwords shall be made up of at least 8 characters.

30. To ensure the security of the computer network and technical resources, control over their use is introduced. The responsible person informs the user about the control conditions and sanctions if the terms of use are not observed. These rules should be specifically taken into account in the context of the electronic mail and Internet use by the employees of the CL at their workplace.

31. Assessment of studies in the daily operation of the CL regarding a student is not disclosed to third parties. The CL ensures that the assessment of each student's performance (including various comments on the student's learning process) is only available to the student, the academic staff member of a particular study course, and the study department.

32. If a scientific, sociological or similar study is carried out in the CL, which requires the identification of the student personal data in the questionnaires, the data subject's consent shall be obtained for the collection of such data (in particular, sensitive data) and the data subject shall be informed of the purpose of the study and the recipients of the data.

33. If video surveillance takes place at the CL, video surveillance shall be registered with the Data State Inspectorate, determining the College as the place of personal data processing. Video surveillance data are password protected.

34. The use of student personal data at the website of the CL shall be carried out in accordance with the requirements of regulatory enactments, informing the persons from whom the personal data are collected, obtaining their consent for publishing data at the website and the purpose of data collection, as well as ensuring that the data after request may be corrected or deleted.