



Privacy Regulations

Processing of Student Personal Data NHTV Breda University of Applied Sciences

October 2018

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Preface

These privacy regulations for students were drawn up in 2003 as a consequence of the introduction of the Dutch Protection of Personal Data Act (*Wet bescherming persoonsgegevens*). In 2004, the Executive Board (*college van bestuur*) adopted an amended version.

In the course of 2014, it became apparent that these regulations needed updating. The most important changes in this version of the regulations compared to the previous one are:

- IB-Groep has been replaced by DUO;
- CRIHO replaced by BRON-HO
- PICA replaced by OLCL
- Student's correspondence number replaced by student's education number
- Enrolment application (*Studielink*) number added as a personal detail
- Data delivery within the scope of the National Student Survey (*Nationale Studenten Enquête*) has been included separately, including private e-mail address
- Data delivery within the scope of the HBO monitor has been included separately, including private e-mail address
- Both data deliveries take place with reference to the Dutch Code of Conduct with regard to Research and Statistics (*Gedragscode Onderzoek en Statistiek*), which is endorsed by the implementing bodies
- Layout and definitions have been adapted to meet the styles and formats used in the TER (Teaching and Examination Regulations) and the Students' Charter

On 25 May 2018, the General Data Protection Regulation (*Algemene Verordening Gegevensbescherming, AVG*) entered into force. The AVG replaced the Personal Data Protection Act (*Wet Bescherming Persoonsgegevens, WBP*). The AVG has brought with it a number of changes that require the updating of these privacy regulations. Changes mainly relate to the new rights of data subjects and the new obligations of Breda University of Applied Sciences as the responsible party.

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Section 1 General

Article 1.1 Definitions

In these regulations, the following is meant by:

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| Application manager | The person responsible for maintaining the business applications and data collections of the organisation. |
| AP | Dutch Data Protection Authority (<i>Autoriteit Persoonsgegevens, AP</i>), the authority in the Netherlands charged with the enforcement of the privacy legislation. |
| AVG | General Data Protection Regulation (<i>Algemene Verordening Gegevensbescherming, AVG</i>). This is a European regulation that replaces national legislation in the member states with regard to privacy and personal data. In the Netherlands, the Personal Data Protection Act (<i>Wet bescherming persoonsgegevens, Wbp</i>) will expire with the entry into force of the AVG. |
| Administrator | The officer who, by order of the responsible party, coordinates the processing of personal data. |
| File | Any structured set of personal data, regardless of whether this set of data has been centralised or distributed in a functional or geographic manner, which is accessible in accordance with certain criteria and which relates to various persons. |
| Data subject | The person to whom the personal data relate. In the context of these Privacy Regulations, this mainly concerns students of NHTV, extraneous students, potential students and alumni. |
| Competent authority | The governing body of Stichting Breda University of Applied Sciences, as referred to in article 10.2 of the Dutch Higher Education and Research Act (<i>Wet op het hoger onderwijs en wetenschappelijk onderzoek, WHW</i>) in conjunction with articles 3 to 7 inclusive and article 17 of the articles of association of Stichting Breda University of Applied Sciences. |
| BRON-HO | Basic Register of Higher Education Numbers (<i>Basisregister Onderwijsnummer Hoger Onderwijs</i>) |
| CAO | Collective Labour Agreement for the Higher Education Sector (<i>Collectieve Arbeidsovereenkomst voor het Hoger Beroepsonderwijs</i>). |
| CBS | Statistics Netherlands (<i>Centraal Bureau voor de Statistiek</i>) |
| Obligation to document | Under the AVG (Article 30 AVG), a controller may be required to keep a processing register and to document which processing of personal data takes place within the organisation. Breda University |

of Applied Sciences is obliged to keep a processing register in the context of the AVG.

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| DUO | Education Executive Agency (<i>Dienst Uitvoering Onderwijs, DUO</i>), the organisation formed by the merger of the IB-Groep and CFI. |
| Third party | Any party, other than (1) the data subject, (2) the responsible party and/or (3) the processor or (4) any person authorised to process personal data under the direct authority of the responsible party or the processor. |
| Third country | A country outside the European Union, including international organisations with a seat in the EU. |
| Data Protection Officer¹ | Data Protection Officer (<i>Functionaris voor de Gegevensbescherming, FG</i>): the officer as referred to in article 37 of the Dutch Personal Data Protection Act. |
| Guest | A visitor to Breda University of Applied Sciences, such as a guest lecturer, participant in an event at Breda University of Applied Sciences, family members, subscriber to the mediatheek (library), etc. |
| Basis | <p>Breda University of Applied Sciences requires a basis for processing personal data. There are six elements on which the processing can be based. The processing:</p> <ol style="list-style-type: none">1. Is necessary to prepare or execute an agreement with the data subject;2. Is required to comply with a legal obligation;3. Is of vital importance to someone;4. Is necessary to properly fulfil an area of government responsibility;5. The interest to Breda University of Applied Sciences is such that it outweighs the interest of the data subject;6. Takes place with the consent of the data subject. |
| Institute | Stichting Breda University of Applied Sciences, abbreviated as Breda University of Applied Sciences. |
| Breda University of Applied Sciences | Stichting Breda University of Applied Sciences |
| OCLC | Online Computer Library Center |
| Recipient | The person to whom the personal data are provided. |
| Personal data | Any fact relating to an identified or identifiable natural person. An identifiable person is a natural person who can be identified, directly or indirectly, particularly by means of an identifier such as a name, an identification number, location data or an e-mail address. |

¹Information about the duties of a Data Protection Officer (*functionaris voor de gegevensbescherming, FG*) can be found at intranet.nhtv.nl and at www.cbpweb.nl

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| Records schedule | The schedule which specifies how long Breda University of Applied Sciences is obliged to retain records. |
| Proportionality principle | The degree to which the data subject's interests are affected must not be disproportionate in relation to the purpose to be served by processing the data. |
| Subsidiarity principle | The guiding principle that the data processing purpose cannot be achieved through another, less intrusive, way. |
| System manager | The person who manages the technical part of the files. |
| Data subject's consent | Any freely-given, specific and informed expression of will whereby data subjects agree to the processing of personal data relating to them. |
| Responsible party | The natural person, legal person, or any other person who, or the governing body which, alone or together with others, determines the purpose and means of personal data processing, in this case: the competent authority of Stichting Breda University of Applied Sciences. |
| Provision of personal data | Disclosing personal data or making them available, insofar as they were obtained wholly or largely from data included in the files, or through the processing thereof, whether or not in connection with other data. |
| Processor | A natural or legal person, a government agency, a service or another body that processes personal data on behalf of the controller. |
| Processing agreement | An agreement concluded between a controller and a processor in which the agreements regarding the processing of personal data are recorded. |
| Processing register | A register that keeps track of the processing activities with regard to personal data (see also the obligation to document). |
| Personal data processing | Any action or whole of actions relating to personal data, including at any rate the collection, recording, putting in order, storage, updating, modification, retrieval, consultation, use, provision by forwarding, distribution or any other form of making available, compiling, interrelating, as well as the protection, erasure or destruction of data. |
| Personal data collecting | Obtaining personal data (both digitally and on paper). |
| Wbp | Dutch Personal Data Protection Act (<i>Wet bescherming persoonsgegevens</i>) (lapsed as of 25 May 2018). |
| WHW | Dutch Higher Education and Research Act (<i>Wet op het Hoger onderwijs en Wetenschappelijk onderzoek, WHW</i>). |

Section 2 Scope and Objective of these Regulations

Article 2.1 Scope of these regulations

- 1 These regulations are an elaboration of article 8 of the Students' Charter of Breda University of Applied Sciences.
- 2 These regulations apply to all personal data of data subjects as referred to in article 3.3 of these regulations, which are processed by the responsible party or on the instructions of the responsible party, insofar as the data can easily be traced to individual persons.
- 3 For the processing of (special/sensitive) personal data, as referred to in article 3.5 of these regulations, by student counsellors and psychologists, confidential advisers, the Breda University of Applied Sciences complaints committee and the institute's Examination Appeals Board (*College van Beroep voor de Examens, CBE*), additional provisions apply with regard to the nature of the personal data processed and the position held by the aforementioned persons.
- 4 In principle, the personal data recorded in the files as described in the third paragraph of this article are confidential, and must be dealt with as such.
- 5 Insofar as data from the files mentioned in the third paragraph of this article are provided to third parties, this can only take place with the express permission of the student concerned and/or on the basis of a power or obligation provided for in a statutory regulation or in these regulations.
- 6 The retention periods mentioned in these regulations, insofar as applicable, are in conformity with the Records schedule for higher education institutions (*Selectielijst hogescholen*).

Article 2.2 Objective of the regulations

- 1 The objective of these regulations is: to protect the privacy of anyone whose personal data are processed from the misuse of these data and the processing of incorrect data.
- 2 to prevent that personal data are processed for any other purpose than the one for which they were obtained.
- 3 to clarify and guarantee the rights of the data subjects.

Article 2.3 Applicability

- 1 All use of the words 'he', 'him', 'his', or 'the student' in these regulations is meant to include both genders.
- 2 Where the word 'student counsellor' is used in these regulations, it should be taken to refer to one of the student counsellors of the academy concerned.

Section 3 Data processing

Article 3.1 Objective of data processing

- 1 Having access to information for the purpose of the operations of the institute or for the purpose of carrying out statutory duties. Objectives, as referred to in this article, can for example be:
 - A. Enrolment, registration and completion of the study
 - B. Student tracking systems to be able to monitor the progress of the study
 - C. Management reports of study-related information, such as study results and student study activities
 - D. Internships and related documentation
 - E. Being able to conduct a proper student administration
 - F. The implementation or application of legislation and statutory duties
 - G. Being able to respond adequately to a demand to provide data to persons or bodies with public law duties.

Article 3.2 Obligation to document and processing register

- 1 Breda University of Applied Sciences is obliged to keep a processing register and to carefully document which personal data are processed by whom, for what purpose, how the security is designed (both technically and organisationally) and how long certain personal data are retained, in accordance with article 30 of the AVG.
 - A. The processing register referred to in paragraph 1 of this provision, must in any case contain the following information:
 - name of the controller and the Data Protection Officer;
 - B. the purposes of the processing;
 - C. a description of the categories of data subjects and categories of personal data;
 - D. the categories of recipients to whom personal data have been or will be provided, including recipients in third countries or international organisations;
 - E. where applicable, transfers of personal data to a third country or international organisation, including stating such third country or international organisation;
 - F. the intended retention periods;
 - G. a general description of the technical and organisational security measures.
- 2 The processing register is managed by the Data Protection Officer. The Data Protection Officer is responsible for keeping the processing register up-to-date and evaluates whether the information referred to in paragraph 2 of this article is correct and complete at least twice a year.
- 3 In addition to what has been stated in the preceding paragraphs of this article, any employee who manages data processing or who executes new data processing is subject to the obligation to discuss the intended processing with the Data Protection Officer and, if necessary, comply with his instructions relating to the processing.
- 4 Data subjects can obtain further information about the processing of their personal data from the Data Protection Officer.
- 5 If there are changes in the personal data of the data subjects (for example in the case of a relocation), the data subject is obliged to have these changes implemented in the

appropriate application or service of Breda University or Applied Sciences, so that Breda University of Applied Sciences can process accurate information.

Article 3.3 Categories of persons

Data can be processed for the following categories of persons, which fall within the framework of these regulations:

- Students
- Extraneous students
- Course participants
- Alumni
- Applicants
- Prospective students

Article 3.4 Types of data

- 1 The following types of personal data can be processed:
 - a Name, first names, initials, academic title, gender, date of birth, address, postal code, city/town, telephone number, e-mail address, and similar data needed for communication, as well as bank and/or giro account number of the data subject; digitised passport photographs, and if applicable, date of death;
 - b A registration number that does not contain any other information than referred to under a) of this article, including the ID code (the institute's student number), the Studielink number, and the Education number (provided by OCW/DUO);
 - c Nationality and place of birth, parents' country of birth (only if provided voluntarily);
 - d Data as referred to under 'a' of this article relating to the parents, guardians or carers of the data subject;
 - e Data which are needed with a view to the data subject's health or well-being;
 - f Data relating to the religion or personal beliefs of the data subject, if and insofar as explicit consent has been given by the data subject and it is needed for the purpose of education;
 - g Data relating to the nature (full-time, part-time, dual, course participant or extraneous student) and the progress of education, as well as study results obtained; termination of enrolment, dates on which certificates were obtained, binding recommendation regarding the continuation of studies;
 - h Data needed for the organisation of education and the provision of teaching materials;
 - i Data needed for the calculation, setting and collection of registration fees, tuition fees and other contributions or fees for teaching materials and other activities;
 - j Other data than those referred to under 'a' to 'i' inclusive, the processing of which is required in accordance with or is needed with a view to the application of another law, including the awarding of graduation support or another scholarship from the profiling fund of Breda University of Applied Sciences;
 - k Previous school of the data subject, previous qualifications (diploma), list of marks obtained at previous school;
 - l Other data, obtained via a camera which is visible or the presence of which has been made known;
 - m Other data, obtained via a hidden camera, if it involves any suspicion of a punishable or unlawful act by students, in which the proportionality and subsidiarity principles are taken into consideration;
- 2 The list of data in the first paragraph is not exhaustive. Changes may occur as a consequence of, among other things, changes in the (educational) organisation or in legislation.

Article 3.5 Special data

- 1 The processing of personal data concerning a person's religion or personal beliefs, race, political persuasion, health, sexual life, as well as personal data concerning membership of a trade union is prohibited, unless there one of the exceptions specified in article 9, paragraph 2 of the AVG exists. There may be such an exception, for instance, if the data subject has given express permission for the processing of this personal data.
- 2 Except in a situation where the data subject has explicitly given permission for the processing of special personal data, the assessment of the question whether one of the exceptions referred to in article 9, paragraph 2 of the AVG relates to the processing of this personal data is reserved for the Data Protection Officer.
- 3 The processing of criminal data is prohibited (article 10 of the AVG), unless there is a legal exception and there is a basis for processing this data. A legal exception as referred to in this provision exists where:
 - a) the processing is under the supervision of the government; or
 - b) the processing is permitted under national law. These are EU law provisions or Member State law provisions, which offer appropriate guarantees for the rights and freedoms of the data subjects.

Article 3.6 The way in which data are obtained

- 1 The data referred to in article 3.4 of these regulations are provided by the data subject insofar as possible at the time of application or enrolment and/or collected by the student administration (from third parties), and included in the file and kept up to date. The student will also be responsible for the timely provision of and for checking the correct data for registration of the correct name, address, and city/town details, as well as the residential address and the correspondence address by the student administration.
- 2 The data referred to in article 3.4 under 'l' are obtained by using a camera which is visible or which presence has been made known.
- 3 The data referred to in article 3.4 under 'm' are obtained by using a hidden camera, if there is any suspicion of a punishable or unlawful act by students, in which the proportionality and subsidiarity principles are taken into consideration.

Section 4 Provision of data to third parties

Article 4.1 Provision of data

1. With the exception of the cases mentioned in the second, third, fourth and fifth paragraphs of this article, no personal data registered will be provided by or on behalf of the responsible party to third parties, either orally or in writing, without the written consent of the data subject.
2. Personal data that can be traced to individual persons will be provided to:
 - the Ministry of Education, Culture and Science;
 - the Higher Education Inspectorate;
 - Dienst Uitvoering Onderwijs – BRON-HO;
 - Studielink;
 - OCLC, a global library cooperative;
 - Other third parties who conduct research among the Breda University of Applied Sciences population on behalf of the Breda University of Applied Sciences;
 - Other third parties, insofar as the provision of data arising from the purpose of the data processing is required in accordance with any statutory provision, or is necessary for the performance of an agreement in which the data subject is one of the parties involved;
 - Other institutions, only with the consent of the data subject.
3. In cases other than where it is required in accordance with a statutory provision, the personal details registered - only consisting of: name, address, postal code and town/city, e-mail address - can be provided to third parties to the extent that is necessary with a view to the supervision of data subjects, making payments, using the services of a debt collection agency, handling disputes, as well as carrying out audits.
4. In addition to the provisions in the third paragraph of this article, more specific personal data can be provided to third parties, if the responsible party considers this to be in the interest of the data subject.
5. Processing as referred to in paragraphs 2, 3 and 4 of this article (processing of personal data by external parties) may only be carried out if permission has been granted by the Data Protection Officer and if (where necessary) this takes place on the basis of a processor agreement approved by the Data Protection Officer.
6. If personal data have been anonymised in such a way that they cannot be traced to individual persons, the responsible party may decide to provide these for the purpose of academic / scientific research or statistics insofar as:
 - a the research serves a general interest;
 - b the processing is necessary for the research or statistics concerned;
 - c requesting express consent has proven to be impossible or would require a disproportionate effort, and;
 - d in the execution of the research / statistics, provisions are made to guarantee that the privacy of the data subject is not disproportionately harmed.
7. For the purpose of student surveys, such as the National Student Survey (*Nationale Studenten Enquête (NSE)*), personal data necessary for carrying out the survey may be provided to the organisation carrying out the survey. This only involves personal data needed to contact students for participation in the research, including their Breda University of Applied Sciences e-mail address and study programme information. The research body itself asks the students whether they want to participate in the research

and whether they will give their consent to the use of the research results linked to the student's number. Students decide whether or not to give their consent. Reports of such research will be in anonymous form.

8. One condition for the provision of the data referred to in paragraph 6 is that the organisation carrying out the research declares that it will comply with the Code of Conduct for Research and Statistics (*Gedragcode voor Onderzoek & Statistiek*). Breda University of Applied Sciences enters into processing agreements with external research organisations in order to guarantee the privacy of the students.
9. For labour market research purposes, Breda University of Applied Sciences takes part in the annual research among graduates (*HBO-monitor*). This national research is conducted by research firm ROA (*Researchcentrum voor Onderwijs- en Arbeidsmarkt*). For the purposes of this research, Breda University of Applied Sciences graduate students will be approached within one and half years after graduation.

For this research, Breda University of Applied Science provides personal data needed to carry out the research. This involves personal data needed to contact students for participation in the research, including both their private e-mail address if the graduate has given permission thereto and study programme information. Reports of such research will be in anonymous form.

10. Research firm ROA, mentioned in paragraph 8, has also stated that it will comply with the Code of Conduct of Research and Statistics (*Gedragcode Onderzoek en Statistiek*).
11. Furthermore, data as referred to in article 3.4 under 'l' and 'm' can be provided to investigating officers if the data warrant doing so. If the data as referred to in article 3.4 under 'l' and 'm' warrant doing so, Breda University of Applied Sciences may provide these data to third parties for further investigation.
12. Personal data which cannot be traced back to individual persons does not fall under the scope of the AVG and may be provided with the consent of the responsible party:
 - To Statistics Netherlands (*CBS*);
 - To the Dutch Association of Higher Education Institutions (*Vereniging Hogescholen*);
 - For academic / scientific and statistical purposes.
13. Contact details of students (personal e-mail address and/or (mobile) telephone number) are available to employees of Breda University of Applied Sciences, if this is necessary for the performance of their duties and they have access to this on the basis of the authorisation table. These details will not be provided to other persons (which includes fellow students).

Section 5 Rights of Data Subjects

Article 5.1 Rights of Data Subjects: to access, to erasure, to be forgotten, to data portability, to object, to restriction of processing

Each data subject has the following rights with regard to the processing of his personal data:

1 The right to access

The right to access (article 15 of the AVG): The data subject has the right to access his data. If the data subject invokes his right to access, the data subject must receive a copy of all data processed about him. If the request is made via the internet or via e-mail, the request must be granted via the internet or e-mail. In addition to the access to the data, the data subject must also be informed about the purposes for which the data are processed, the types of personal data, the types of recipients to whom the data are provided, the retention period and about any transfer to third countries and the safeguards applied thereto. The responsible party must respond to a request for access within 2 weeks of receipt. The responsible party can forward the request to the relevant administrator for processing.

1 The right to rectification

The right to rectification: the data of the data subject must be rectified if he correctly indicates that they are incorrect, if and insofar as the data subject cannot rectify the data himself in the available applications. The data must be supplemented if they are incomplete, provided that this is reasonable in view of the purposes of the processing. The data subject will have to prove that the processed data are incorrect.

2 The right to erasure

In the following cases, a data subject has the right to the erasure of the personal data processed about him where:

- a. the data are processed unlawfully by Breda University of Applied Sciences;
- b. Breda University of Applied Sciences is legally obliged to erase the personal data;
- c. The data is no longer necessary, given the purposes for which it was processed;
- d. The data subject withdraws his consent and there is no other basis (see Article 1) for retaining the data;
- e. The data subject objects to the processing of the personal data, the weighing of interests is in favour of the data subject and there is no other basis for the processing;
- f. The personal data will only be processed for direct marketing purposes.

In cases a through c, in principle the processing is unlawful by definition and must be erased at its own discretion.

If the data subject requests the erasure of his personal data, this request will be complied with within 2 weeks of the request provided that one of the abovementioned cases exists.

If this cannot be complied with within the 2 week period, the data subject will be informed of this and a new period of 2 weeks will be given (once only) during which the data must be erased.

3 The right to be forgotten

In addition to the right to erasure, the data subject has the right to be forgotten. If a data subject requests the erasure of data and this data has been made public (for example on a website), Breda University of Applied Sciences must do its best to - within reasonable limits - request others to also delete the data or the linking of the data.

Exceptions

The rights of the data subject mentioned in paragraphs 3 and 4 do not apply and NHTV is not required to comply with this where:

- a. there is the right to freedom of expression and information;
- b. Breda University of Applied Sciences has legal obligations to retain the data;
- c. this is in the interest of public health;
- d. the erasure of the data would undermine the purpose of archiving, research or statistics;
- e. in connection with legal proceedings.

4 The right to data portability

The data subject is entitled to the portability of his data (data portability). The personal data processed about him must be made available to him in such a way that he can easily pass it on to another responsible person. A data subject may require Breda University of Applied Sciences to provide the personal data concerned to another responsible person designated by him.

A request for data portability must be submitted to the Data Protection Officer via e-mail (fg@buas.nl). The Data Protection Officer forwards the request to the relevant official who then handles the request in accordance with the protocol drawn up for that purpose.

The personal data that must be transferred is made available in a standard format.

5 The right to object to the processing

A data subject may object to the processing of his personal data on the basis of an area of government responsibility and on the basis of a general weighing of interests of Breda University of Applied Sciences (as referred to in articles 1.1.4 and 1.1.5 of these regulations). In individual cases the weighing of interests may turn out differently than is foreseen in the general preliminary weighing of interests.

If the objection of the data subject is well-founded (and the weighing of interests favours the data subject), the processing of the personal data must be discontinued. If the objection concerns processing with a view to direct marketing (including profiling), the processing must always be discontinued.

6 The right to restriction of processing

The data subject is entitled to request a restriction of processing in the following cases:

- a. If he has made a request for rectification that is still pending;
- b. If he has objected to the processing and the weighing of interests of Breda University of Applied Sciences has not yet been completed;
- c. If the data processing is unlawful, but the data subject does not want the data to be discarded, for example because the data may be of interest to him in legal proceedings.

Article 5.2. General instructions regarding the rights of data subjects

- 1 In principle, all requests of data subjects with regard to the rights as set out above must be dealt with within 1 month. Only in exceptional and complex cases is it possible to extend the 1-month period by a maximum of 2 months. If this period is extended, the data subject must be informed of the reasons for this extension.
- 2 All requests from data subjects regarding the rights as set out above, will be forwarded to the Data Protection Officer.
- 3 The Data Protection Officer will determine the identity of the person making the request as well as possible. If the Data Protection Officer doubts the identity of the person making the request, he will ask the person making the request to submit further details regarding his identity in writing in order to verify that he is the actual data subject as soon as possible but within two weeks of receipt of the initial request.
- 4 After the identity of the person making the request has been established, the Data Protection Officer will forward the request to the proper person within the organisation in order to be able to respond to the request or to explain why the request will not be complied with.
- 5 If the data subject's request is not met, he must be given an explanation of why the request will not be granted. The data subject must also be informed of the option to lodge a complaint with the Dutch Data Protection Authority or to initiate legal proceedings.

In principle, no costs may be charged to the data subject for processing a request as described in this article, provided the request is not disproportionate.

- 6 Breda University of Applied Sciences respects the rights of data subjects on the basis of the AVG and these regulations. If the data subject believes that his rights are infringed, then Breda University of Applied Sciences would prefer to resolve this in mutual consultation. The data subject can complain to the Data Protection Officer regarding the application of these Privacy Regulations, for example if the data subject believes that his rights are being violated in accordance with articles 15, 16, 17, 18, 20 or 19, second paragraph or article 21 of the AVG and/or pursuant to section 5 of these regulations. The Data Protection Officer will handle the complaint within 4 weeks of submission.
- 7 Requests, objections and complaints in accordance with these Privacy Regulations may be submitted by a data subject to the Data Protection Officer. The Data Protection Officer will provide this data subject with advice and submit his advice to the Executive Board for a decision.
- 8 Irrespective of the possibility of filing a complaint with the Data Protection Officer, the data subject may lodge a complaint with the Dutch Data Protection Authority against Breda University of Applied Sciences, in accordance with article 77 of the AVG, or file an application with the courts for legal proceedings against Breda University of Applied Sciences, in accordance with article 79 of the AVG.

Section 6 Access to Files, Management and Security

Article 6.1 Direct access to the personal data

- 1 The following parties have access to the said personal data:
 - the responsible party;
 - the administrators;
 - the officers who need the data for the purpose of carrying out their duties as set out in their job descriptions. The processors designated by the administrator for the personal data about persons concerned belonging to his work area;
 - the functional, application and system managers;
 - the Data Protection Officer.

- 2 At the instruction of the responsible party and the administrator(s) concerned, the system manager will grant the various officers, as referred to in the first paragraph of this article, access - by way of a code and password protection - to certain parts of personal data or to all personal data, to the extent required by their work. To this end, the administrator will compile an authorisation table.

Article 6.2 Responsibility

The competent authority of Breda University of Applied Sciences is the responsible party for the personal data. The competent authority ensures compliance with these regulations, as well as accuracy of the data collected.

Article 6.3 Confidentiality and security

- 1 The responsible party will provide for appropriate technical and organisational measures to prevent loss or unlawful processing of personal data. These measures guarantee an appropriate level of protection, taking into account the current status of technology and the costs of execution, and in view of the risks entailed by the processing and nature of the data to be protected.
- 2 The administrator, system manager and processor are subject to the same obligation.
- 3 Officers who, by virtue of their job duties, take cognizance of personal data from a file are under the obligation not to use these data for any other purpose than the performance of their duties and not to disclose these data to unauthorised persons, in accordance with the relevant provisions of the CAO-HBO.

Article 6.4 Retention, anonymisation and destruction of data

- 1 Breda University of Applied Sciences retains the Personal Data and financial data on the basis of the statutory retention periods. After the expiration of the applicable statutory retention period, the data is deleted or retained in an anonymous form. The removal and destruction must take place within a period of 1 year after the expiration of this retention period. The personal data will not be removed at any rate during the period of the study programme on the grounds of which the data are processed, and will be retained and/or archived upon completion of the study programme for a period of 10 years at least and furthermore insofar as reasonably deemed necessary or desirable. The Records schedule for higher education institutions (*Selectielijst hogescholen*) is adhered to in this process.
- 2 Master data required for the provision of duplicates of certificates will be retained for 50 years. Data relating to study results obtained are retained for 7 years in accordance with the guidelines of the Records schedule for higher education institutions (*Selectielijst hogescholen*).
- 3 Personal data of applicants who are not admitted to one of the study programmes of the institute will be removed by CFA Student Office from the files no later than six months after commencement of the new academic year.
- 4 Personal data as referred to in article 3.4 will not be retained for any longer than required for the purpose for which they have been collected. The data, as referred to in article 3.4 'l' and 'm' will be destroyed within 14 days of being recorded and/or after the incidents that came to light have been settled. If the data relating to a certain incident have been transferred to an investigator, a copy of these data can be retained for the purpose of internal usage during a period of 6 months at the most, insofar as there are any suspicions of the incident being repeated.
- 5 If the data concerned have been edited in such a way that it is reasonably impossible to trace them to individual persons, they can be retained in anonymised form.

Section 7 Concluding and implementing provisions

Article 7.1 Transitional and concluding provisions

- 1 Without prejudice to any legal provisions, these regulations will be in effect throughout the entire duration of the processing of the personal data.
- 2 In the case of transfer or transmission of the data to another responsible party, the data subject will have to be informed of this fact, so that he will have the opportunity to lodge an objection against transfer or transmission of the data that relate to him personally.

Article 7.2 Entry into force and reference title

These regulations entered into force on [DATE] and replace any previously adopted Privacy Regulations of earlier dates.

These regulations can be referred to as 'Privacy Regulations for Students of Breda University of Applied Sciences'.

Article 7.3 Access to the regulations

- 1 The responsible party will make the existence of these regulations known by general notification.
- 2 These regulations can be accessed via the website of Breda University of Applied Sciences (www.buas.nl).