

## Data Protection Privacy Notice – General Data Protection Regulation (GDPR)

### INTRODUCTION

Effective May 25, 2018, in the context of certain activities the European Union (EU) General Data Protection Regulation (GDPR) will apply to the processing of personal data of individuals residing in the European Union and apply to the processing of personal data by controllers and processors in the territorial jurisdiction of the European Union, regardless of whether the processing takes place in the European Union or not.

The University of Kansas (the “University”, “we”, “our”, or “us”) is committed to safeguarding personal data that is submitted to the University, either directly or indirectly by use of our websites or other services, by you. The University is a data controller or data processor when conducting official business and research activities, including behavior monitoring, in the applicable territorial jurisdiction and therefore, must comply with the GDPR. Examples of applicability include: You are attending an exchange program, faculty-led program, internship or research program or study center located in the European Union; we are offering goods or services to you, regardless of any payment required, and you are located in the European Union.

### PURPOSE

This GDPR- Privacy Notice is a supplement to the [University’s General Privacy Policy](#) and the GDPR Policy of the University of Kansas Medical Center (KUMC). This GDPR-Privacy Notice governs the capture, use, transfer, and storage of your personal data, as defined under the GDPR. This Privacy Notice will be provided to you whenever you provide personal data to the University or its affiliated entities, as applicable, and is available at: <https://policy.ku.edu/>

This GDPR- Privacy Notice explains how the University will collect, use, and share your information to the extent that such collection, use or transfer does not conflict with state or federal laws or regulations.

Please read it carefully and contact the University’s designated representatives at the contact information provide below, if you have any questions.

### COLLECTION OF PERSONAL DATA

Under the GDPR, personal data is any information relating to an identified or identifiable natural person (“data subject”), which identifies or relates to you, either on its own or in conjunction with other information held by the University, such as a name, an identification number, location data, online identifier (e.g., IP addresses and device IDs). Personal data can include: name, job title, date of birth, address, telephone number, and email address. There are also special categories of personal data (sensitive personal data) that relate to racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data, data concerning health or data concerning a natural person’s sex life or sexual orientation.

The University collects sensitive personal data if submitted by you as a voluntary response to inquiries by the University or our third-party service providers, as our data processors.

The University collects and processes personal data about you for the purposes described below. Personal data will be treated as Private Information under the [University's General Privacy Policy](#) and at the category 1 level under the [University's Data Classification and Handling Policy](#). The University shall limit the collection of personal data, as defined under the GDPR, to only that information that is strictly necessary and lawful to accomplish a lawful purpose or legitimate interest as permitted under the GDPR.

## **PURPOSES AND USE OF INFORMATION**

In order to fulfill the University's mission, the University needs to collect and process personal data relating to current, past, and prospective students, employees, volunteer affiliates, alumni and supports, suppliers, research subjects, international patients, exchange visitors and research learners and others with whom it conducts official business.

The University uses your personal data for a variety of reasons.

Examples include (but are not limited to):

Responding to your inquiries or correspondence with you or third parties;

Managing your interactions with the University, to include administering applications for admissions, outreach and recruitment, and other processes and functions related to your admission, enrollment, attendance, communications, assessment, studies and educational programs, academic progress and advising, counseling, distance learning, Title IX/Clery Act compliance, compiling of records and statistics for research or audit or other reporting, discipline, financial reasons, support services and memberships, library, IT and information services, surveys and health and safety, as a prospective, current, or past student;

Administering applications for employment at the University, including outreach and recruitment, and other processes and functions related to your application or future offers, hiring, past or present employment, as a prospective, current or past employee, monitoring equal opportunities, health and safety.

Human subject research that involves collecting and analyzing of your personal data;

We will also share your information, including personal data, with University units, affiliated entities, or with third parties, in the delivery of goods or services to you or in behavioral monitoring activities for University business purposes. Third parties who we share your information, including personal data, with include (but are not limited to): authorized University agents, funding sponsors or support organizations and governing bodies, local, state, and federal agencies, accrediting bodies or commissions, press and publicity organizations, online learning platforms, alumni relations and development organizations, potential and current employers or service providers of you, other educational institutions or work placement sites, relevant authorities for emergency circumstances, any other authorized third party to whom the University has a legal or contractual obligation to share your personal data. Personal data may be transferred worldwide for students participating in international educational experiences or for faculty, staff or residents travelling on University sponsored International Professional Experiences, such as international research collaborations, international educational exchanges, conferences or medical missions.

Personal data will only be disclosed in accordance with the GDPR in force at the time. If your consent is required before we can share your personal data we will contact you to request the specific consent required.

Consent is only one of several legal bases for which we may collect or process your personal data.

We set out in Table 1 generally, the legal bases for which we will process your personal data, directly or indirectly, as authorized under Article 6 or when processing special category personal data (sensitive personal data), under Article 9 of the GDPR.

**TABLE 1**

Article 6 - Personal Data	Article 9- Special Categories
<b>Consent</b> given by you through a positive opt-in, for a specific, pre-defined purpose	<b>Explicit Consent</b> given by you
Necessary for the performance of a <b>contract</b> with you	Necessary for the purposes of carrying out the obligations of the University or you in the field of <b>employment</b>
Necessary for compliance with a <b>legal obligation</b>	Necessary to protect the <b>vital interests</b> of you or of another individual where you are physically or legally incapable of giving consent; e.g., emergency circumstances
Necessary in order to protect the <b>vital interests</b> of you or of another individual; e.g., emergency circumstances	Carried out in the course of the University's legitimate activities by a foundation, association, or any other <b>not-for-profit</b> body with a political, philosophical, religious, or trade union aim.
Necessary for the performance of a task carried out in the <b>public interest</b>	Processing relates to personal data which is made public by you
Necessary for the purposes of the <b>legitimate interests</b> pursued by the University or by a third party unless unwarranted because of its prejudicial effect on your rights, or your legitimate interests.	Necessary for the establishment, exercise or defense of <b>legal claims</b> or court proceedings.
Automated decision making for performance of a contract with you	Necessary for reasons of <b>substantial public interest</b>
	Necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of <b>health or social care</b> or treatment, or the management of health or social care systems
	Necessary for <b>archiving</b> purposes in the public interest, scientific or historical research purposes or statistical purposes

If we are collecting or processing sensitive personal data, as defined in the GDPR, additional safeguards will be put in place in accordance with the [University's Data Classification and Handling Policy](#). We may use and disclose fully anonymized data without limitation.

Some of the above conditions for processing your personal data will overlap and the University relies on applicable multiple grounds to justify its lawful processing of your personal data. University also reserves the right to rely upon other grounds that are not referred to under Table 1, but are lawful under the GDPR.

When requesting your personal data, we will identify the legal bases for processing your personal data. If the legal basis for processing your personal data is based on your consent, we will contact you if or when further processing for other purposes is intended.

When necessary to transfer or share your personal data to organizations or agencies based outside the European Union, we will ensure appropriate and suitable safeguards are in place in accordance with the GDPR.

More information relating to the conditions for processing your personal data can be obtained by contacting the University's Data Protection Officer.

## **COOKIES AND OTHER INFORMATION TECHNOLOGY**

The University's use of cookies and other data from information technology can be found in the Information Technology Security Policy or in the Privacy Statement for KUMC, as applicable.

## **RETENTION AND DESTRUCTION OF YOUR INFORMATION**

Your personal data will be retained by the University, its affiliated entities, or its third party service providers in accordance with the applicable federal and state laws, and the applicable retention periods in the [University's Records Retention Schedules](#) or the Research Record Management, Disposition and Retention Policy for KUMC, as applicable.

Your personal data will be destroyed upon your request or after the expiration of the applicable retention period, whichever is later. The manner of destruction shall be appropriate to preserve and ensure the confidentiality of your personal data given the level of sensitivity, value and criticality to the University. Appropriate data will be retained permanently to ensure your educational record is held on file for all lawful purposes.

## **YOUR RIGHTS**

You have a number of rights under the GDPR. These include the rights to request access to, a copy of, rectification, restriction in the use of, erasure of your personal data and portability. The erasure of your personal data is also subject to the University Record Retention Schedule or the Research Record Management, Disposition and Retention Policy for KUMC, as applicable, and the Student Records Policy. You also have the right to withdraw consent to the use of your personal data.

You may exercise these rights by contacting:

If Lawrence campus contact:

Senior Associate Director, Enrollment Management Services, at 785-864-4423 or via e-mail at [emgmt@ku.edu](mailto:emgmt@ku.edu).

If University of Kansas Medical Center contact:

Privacy Director, Office of Compliance, at 913-588-0940 or via email at [amitchell5@kumc.edu](mailto:amitchell5@kumc.edu)

If University of Kansas Center for Research or Office of Research contact:

At 785-864-3441 or via email at [KURES@ku.edu](mailto:KURES@ku.edu)

If your personal data was created within or transferred from the European Union, you may also be able to file a complaint with the appropriate supervisory authority in the European Union.

## **YOUR RESPONSIBILITIES**

You are required to read this GDPR-Privacy Notice before or at the moment the personal data is being transferred.

## **UPDATES TO THIS GDPR- PRIVACY NOTICE**

We may update or change this GDPR-Privacy Notice at any time. It is important that you keep a reference to this document and review each time you are requested to provide personal data to the University, its affiliated entities, and its third party service providers or contractors. Any changes to this GDPR-Privacy Notice will be posted at <https://policy.ku.edu/>.

Effective Date: 5/25/2018