

# **SALISBURY UNIVERSITY**

## **X-26.00 Privacy Policy**

### **I. Policy**

Salisbury University (the “University”) is committed to the responsible use of personal and sensitive information collected from and about its students, faculty, staff, and others who provide such information to the University. This commitment is in accordance with state and federal laws and regulations concerning the use of such information. The University Privacy Policy applies to all faculty, staff, students, as well as affiliates and third-party service providers, where applicable.

### **II. Purpose**

The purpose of this policy is to protect the privacy of individuals who have either personally identifiable or confidential information (as defined in University Policy X-18.00) stored on assets owned by the University, either in electronic or paper form, while at the same time providing the University the ability to share this information with authorized University personnel, entities as required for legitimate academic or business needs or by law.

### **III. Definitions**

- A. *Official University Websites:* Except as noted, the information in this Privacy Policy applies to all official University websites. Official University websites are web pages of the University, schools, departments, divisions or other units and any other sites specifically designated as official by the president, a vice president, dean, department head or director. Official websites are generally recognizable by a standard template/layout carrying the University logo, contact information and reference to the University’s Privacy Statement.
- B. *Unofficial Websites:* Within the University domain – signified by the address "salisbury.edu" or within the range of Internet protocol addresses assigned to the University –websites may be found over which the University has no editorial responsibility or control. Such sites are considered unofficial and include, but are not limited to, the web pages of individual faculty members, students, student organizations and other entities not formally a part of the University. While the University encourages compliance with this Privacy Policy on such sites, in order to better understand the policies and practices under which they operate, the privacy statements of individual sites should be consulted or information sought directly from the persons responsible for those sites.

- C. *Cookies*: Cookies are files that many 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. The University website uses persistent cookies in conjunction with a third-party technology partner to analyze search engine usage and web traffic patterns. This information is used in the aggregate to monitor and enhance University webpages. It is not used to track the usage patterns of individual users.
- D. *Personally Identifiable Information*: Personal Information is any information relating to an identified person, either directly or indirectly, in particular by reference to an identifier, such as name, identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental economic, cultural or social identity of that natural person. The definition of Personally Identifiable Information contained in University Policy X-18.00, is also incorporated by reference herein.
- E. *European Union General Data Protection Regulation 2016/679 (EU GDPR)*: EU GDPR regulates the collection, processing, dissemination and removal of personal data of individuals in the European Union. All personal and sensitive data collected or processed by the University or a third party on the University's behalf that falls within the scope of the GDPR must comply with the security controls and process requirements set forth in this Policy.
- F. *Confidential Information*: see definition contained in University Policy X-18.00 which is incorporated herein by reference.

#### **IV. Procedures**

##### **A. University Privacy Statement**

The University's approved Privacy Statement is posted on official University websites as follows:

“At Salisbury University, we take data security and the privacy of your personal information very seriously. We have updated our Privacy Statement and Policy to reflect the requirements of Maryland law as well as provide information to you about the European General Data Protection Regulation (GDPR), which went into effect in May 2018. The policy provides you with information about what personal information we collect from you, how we collect it, what we do with it, and how your data is shared. The policy also outlines your right to modify or remove personal information where applicable.

Salisbury University's Privacy Statement and Policy apply exclusively to personally identifiable and confidential information collected by the University

and to information that appears on the University's websites. Official University websites are defined as the web pages of the University, schools, departments, divisions or other units and any other sites specifically designated as official by the president, a vice president, dean, department head or director. Official websites are generally recognizable by a standard template/layout carrying the University logo, contact information and reference to the University's Privacy Statement. Please be advised that the University's websites may contain links to other websites over which the University has no control. The University is not responsible for the privacy and protection of any personally identifiable or confidential information on such sites."

B. Lawful Basis for Collecting and Processing of Personal/Sensitive Information

The University is an institution of higher education involved in education, research, and community development. In order for the University to educate its students both in class and on-line, engage in world-class research, and provide community services, it is essential, necessary, and lawful for the University to collect, process, use, and maintain data of its applicants, students, staff, faculty, research subjects, and others. A lawful basis exists for collecting and processing information related to the following: admissions, registration, delivery of classroom instruction (both in class and on-line), study abroad education, grades, communications, employment, research, development, program analysis for improvements, alumni relations, marketing, and records retention. Examples of data that the University may need to collect when carrying out its necessary functions include, but are not limited to: name, email address, ID numbers, IP address, physical address or other location identifier and photos as well as other confidential information.

C. Limits on Use of and Access to Personally Identifiable and Confidential Information

Access to personally identifiable/confidential information is limited to:

- i. the individual whose information is produced or displayed;
- ii. a University official or agent of the University with authorized access based upon a legitimate academic or business interest and a need to know;
- iii. an organization or person authorized by the individual to receive the information;
- iv. a legally authorized government entity or representative;
- v. disclosure to comply with state or federal laws or regulations, such as the Maryland Public Information Act;
- vi. disclosure to other individuals or entities, as allowed by law, for purposes judged to be appropriate or necessary for the reasonable conduct of University business.

#### D. Where the University Gets Personally Identifiable and Confidential Information

1. The University receives personal and sensitive information from multiple sources. Most often, the University gets this information directly from consenting individuals or from consenting individuals who have provided it to a third party (for example, applications for admission to the University).
2. University departments shall post a link to the University Privacy Policy on any website which collects data about website visitors.

#### E. University Websites

1. The University's website consists of many websites. Some sites hosted by the University may adopt different privacy statements as their specific needs require. However, no site can adopt a privacy statement that is in any way inconsistent with the University Privacy Statement, stated above, state or federal laws or regulations or the EU GDPR.
2. Office, department, and program (collectively "Unit") webpages are managed by appointed webpage managers within their Unit. Webpage managers are responsible for ensuring that all requests for information provided on their Unit's webpages include the necessary privacy statements to allow the user to make informed choices about the collection and use of personal and sensitive information. More specifically, whenever a Unit's webpage requests personal information from the user, that page (or a linked page) shall advise the user regarding the purposes of information gathering, the consequences to the user for refusing to provide the personal information, and the user's right to inspect, correct and delete records, where applicable.

#### F. Third Party Websites and Content

University websites may contain links to other websites owned by third parties as a convenience to the user. A user who decides to use these links will leave the University website. The University is not responsible for the privacy practices or the content of any third-party websites and does not make any representations or endorsements about them. If a user decides to leave the University website and access any third-party site, it will be at the user's own risk and users are advised that in such case University policies will no longer be applicable. Users are advised to review the terms and policies, including privacy and data gathering practices, of any site to which the user navigates.

## V. Rights of Individuals under the EU GDPR

- A. Individuals who fall within the scope of the EU GDPR and whose information is collected will be provided the following, where business processes allow:
- i. information about the controller collecting the personal data;
  - ii. contact details for the data protection officer (if assigned);
  - iii. the purposes and lawful basis of the data collection/processing, including the legitimate interest for the processing (if applicable);
  - iv. who the recipients or categories of recipients of the personal data are;
  - v. whether the University intends to transfer personal data to another country or international organization;
  - vi. the period for which the personal data will be stored;
  - vii. the existence of the right to access, make corrections to, or erase personal data, the right to restrict or object to processing, and the right to data portability;
  - viii. the existence of the right to withdraw consent at any time (if applicable);
  - ix. the right to lodge a complaint with a supervisory authority (established in the EU if applicable);
  - x. justification for why the personal data collection is required, and possible consequences for failing to provide the personal data;
  - xi. the existence of automated decision-making, including profiling; and
  - xii. if the collected personal data is going to be further processed for a purpose other than that for which it was collected.
- B. Individuals who fall within the scope of the EU GDPR and whose information is collected will be given the following rights (as applicable), provided that the University determines that the exercise of the right is permitted and/or required by the EU GDPR:
- i. the right to receive confirmation from the University as to whether the individual's personal data is being processed by the University, and if so, the right to access such personal data and the right to receive information regarding, among other things, the categories of personal data collected and how such personal data is being used;
  - ii. the right to correct inaccurate personal data concerning the individual;
  - iii. the right to obtain erasure of personal data concerning the individual (if allowed by law);
  - iv. the right to restrict or object to the processing of the individual's personal data (if allowed by law); and
  - v. the right to request a copy of personal data concerning the individual.
- C. These rights are a guarantee that an individual will be afforded a process of review and not a guarantee of the outcome the individual is requesting. Any individual who

wishes to exercise any of the above-mentioned rights may do so by first contacting the applicable department, office or program and then by contacting the Information Technology Department which shall consult with the Office of the General Counsel.

## **VI. Processing of Personal Information Subject to the EU GDPR**

- A. The University collects a variety of personal and sensitive data to meet one of its lawful bases, as referenced above. Most often the data is used for academic admission to the University, enrollment, educational programs, employment, provision of medical services, participation in research, development and community outreach. Data typically includes name, address, transcripts, work history, information for payroll, research subject information, medical and health information (for student health services, or travel), and donations.
  
- B. Most of the University's collection and processing of personal data will fall under at least one of the following categories:
  - i. the individual has given consent to the processing of his or her information for one or more specific purposes;
  - ii. the processing is necessary for the performance of a contract to which the individual is a party or in order to take steps at the request of the individual prior to entering into a contract;
  - iii. processing is necessary for compliance with a legal obligation to which the University is subject;
  - iv. processing is necessary in order to protect the vital interests of the individual;
  - v. processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the University; or
  - vi. processing is necessary for the purposes of the legitimate interests pursued by the University or by a third party.
  
- C. There will be some instances where the collection and processing of personal data will be pursuant to other lawful bases. Any personal information that the University collects will not be shared with third parties unless one of the lawful bases noted above applies.
  
- D. If an individual refuses to provide personal data that is required by the University in connection with one of the University's lawful bases to collect such personal data, such refusal may make it impossible for the University to provide education, employment, research or other requested services.

**VII. Violations and Sanctions**

- A. Violation of this Policy may incur the same types of disciplinary measures and consequences as violations of other University policies, including progressive discipline up to and including termination of employment, or, in a case involving a student, reporting of a Student Code of Conduct violation.
  
- B. All individuals accessing personal and sensitive information are required to comply with federal and state laws, and University policies and procedures regarding such information. Any University student, faculty or staff member who engages in the unauthorized use, disclosure, alteration, or destruction of data in violation of this Policy will be subject to appropriate disciplinary action, including possible dismissal and/or legal action. Other persons who may violate this policy, such as a University third-party vendor, may be barred from University property and from having any further business dealings with the University as well as appropriate legal action. The University reserves the right to require any third-party vendor (or other contractually obligated parties) having access to personally identifiable or confidential information to have appropriate contractual language included in any agreements with the University. Said agreements shall be approved by the Office of General Counsel as a condition for having access to such information.

**VIII. Policy Updates**

Advances in technology, legal developments, new policies of the University System of Maryland or University policies and practices may necessitate changes in or updates to this Privacy Policy and our Privacy Statement. In order to comply with such changes this Policy may be changed without prior notice.

**IX. Responsible Department**

The University’s Information Technology Department is responsible for implementing this Policy and may be contacted with questions regarding this Policy at (410) 543-6112.

**X. Related Policies**

This Policy is not intended to replace or supersede other existing University policies and procedures relating to the use of confidential information, other related Information Technology policies or policies related to FERPA compliance, MPIA compliance, or related to human subjects.

**Effective Date: August 1, 2018**