

Privacy Charter



Adopted by the UMONS Board of Directors on: 16/12/2019

Updates are available on the UMONS website: <https://web.umons.ac.be/fr/>

Article 1 Definitions

In the context of this Charter, the following terms are used:

- **DPO:** Data protection officer
- **Personal data:** any information relating to an identified or identifiable natural person; an “identifiable natural person” is deemed to be a natural person who can be identified, directly or indirectly, particularly by reference to an identifier, such as a name, an identification number, location data, an online identifier, or to one or more elements specific to their physical, physiological, genetic, psychological, economic, cultural or social identity.
- **GDPR:** General Data Protection Regulation (EU) 2016/679 on the protection of natural persons in relation to the processing of personal data and the free movement of personal data in the European Union.
- **Processing:** any operation or set of operations carried out using automated processes and applied to data or sets of personal data, such as collection, recording, organisation, structuring, conservation, adaptation or modification, extraction, consultation, use, disclosure by transmission, distribution or any other form of provision, merging or interconnection, limitation, deletion or destruction.
- **Data controller:** the person who determines the purposes and means of the processing
- **Data pseudonymisation:** the processing of personal data in such a way that it can no longer be attributed to a specific data subject (person) without needing additional information, provided that this additional information is kept separately and is subject to technical and organisational measures to ensure that personal data is not attributed to an identified or identifiable natural person.
- **Limitation of processing:** the marking of stored data to limit its future processing.
- **Portability:** transmitting data from one data controller to another when technically possible.

Article 2 Purpose of the Charter – General Scope

As part of its missions (teaching, research, services to the community), the University processes a significant amount of personal data relating to students, staff members, external experts, visitors, suppliers, research participants, job applicants etc.

The GDPR imposes strict rules for processing personal data. It also provides for various rights in favour of data subjects, particularly the right to information and the right to access.

***IN THE EVENT OF A DIVERGENCE BETWEEN THE DIFFERENT LINGUISTIC VERSIONS
OF THE PRIVACY CHARTER, THE FRENCH VERSION SHALL PREVAIL***

The University puts emphasis on the importance of the protection of privacy. It undertakes to comply with the GDPR and the Belgian legislation in force regarding matters of privacy. The objective of the Charter is to monitor these obligations and ensure that they are respected. It applies without prejudice to other standards which may be in force, particularly in terms of ethics.

Documentation on the GDPR is available for staff at www.umons.ac.be/intranetSJ.

Article 3 Scope

This Charter concerns the UMONS community as well as third parties linked to the University.

This Charter is applicable to:

- Persons processing personal data in the context of UMONS activities (1)
- Persons processing personal data within UMONS (2):
 - (1) UMONS wishes to protect personal data against loss, leaks, errors, inaccessibility, illicit consultation, processing that does not comply with the law. Therefore, each person involved with the University, whether they are UMONS members or external members (for example, interns), undertakes to ensure the best compliance with this Charter, regarding the processing of personal data both electronically and on paper. This means ensuring data protection from the start of a project and, if necessary, contacting dpo@umons.ac.be;
 - (2) When a person gives consent for UMONS to process their personal data, this Charter applies, whether that person is an internal or external member of UMONS. In addition, requests addressed to UMONS by those concerned by the processing of personal data are also governed by this Charter and the GDPR (right of access, withdrawal of consent, etc.).

In some specific areas, UMONS may adopt additional directives or procedures, which define the specific measures to achieve the level of security necessary for data protection. This Charter is therefore a basis on which other internal documents may depend.

Article 4 General Information for Staff and Students

This Charter is supplemented by a more detailed information note on the protection of personal data of:

- Staff members
- Students

This information is available on the intranet.

**IN THE EVENT OF A DIVERGENCE BETWEEN THE DIFFERENT LINGUISTIC VERSIONS
OF THE PRIVACY CHARTER, THE FRENCH VERSION SHALL PREVAIL**

Article 5 DPO (Data Protection Officer)

The Data Protection Officer (DPO) is appointed by the UMONS Board of Directors.

During their meeting of 26th January 2018, the Board of Directors appointed this function to:

Graciela Schiffino Pappaterra
Department of the Rector and Administrator (DGRA)
23 Place du Parc, 7000 Mons, Belgium
Email : dpo@umons.ac.be
Tel.: 0032 65 373702

The DPO is responsible for monitoring the data protection policy, which they report to the Administrator and the Rector. They exercise their mission in accordance with the GDPR. They are the contact person for all matters relating to the GDPR and this Charter.

Article 6 Data and Collection Method

The categories of data processed by UMONS are mainly, but not limited to, the following:

- First name and last name
- Log in
- Postal and email addresses
- Date of birth
- Bank account number
- Telephone number
- Nationality
- Car registration plate
- Sex
- Household composition
- IP address
- Photos
- Information on qualifications / grades / functions
- Information on studies
- Salaries
- Data collected as part of research, including sensitive data.

In general, data is collected directly by the University. However, UMONS may receive personal data from third parties, especially as it collaborates with other universities, research centres, various associations, institutions and public authorities all over the world. Within the framework of these collaborations, the University may transfer personal data, while ensuring compliance with data protection legislation. The University never transfers personal data for commercial purposes.

**IN THE EVENT OF A DIVERGENCE BETWEEN THE DIFFERENT LINGUISTIC VERSIONS
OF THE PRIVACY CHARTER, THE FRENCH VERSION SHALL PREVAIL**

Article 7 Data Controller and Processing Activity Register

The party legally responsible for the processing of personal data at the University is:

UMONS (Rectorate)

Place du Parc 23

7000 Mons

In accordance with the GDPR, UMONS has implemented a central register containing the processing activities at the University. The DPO is responsible for keeping this register and making it available to the University's authorities and the Data Protection Authority. If necessary, they can communicate it to others, in whole or in part.

Article 8 Principles Applicable under the GDPR

8.1.

UMONS ensures that any processing of personal data has a precise purpose, and that this has a *legal basis* and takes into account the interests of the data subjects, in all *transparency*.

The *legal basis* must be one of the following:

- Consent
- A convention
- A legal obligation
- Public or legitimate interest

Transparency requires providing data subjects the information required by Articles 13 and 14 of the GDPR (www.umons.ac.be/intranetSJ).

The duration of data storage must be fixed according to the time required for the processing, taking into account the rights of individuals, legal requirements, evidence, and archiving reasons.

UMONS only processes data necessary to perform its activities.

UMONS makes every effort to regularly update the data and all reasonable measures are taken to correct inaccurate data, on its own initiative or at the request of the data subject.

Staff members can update their data via the intranet, by consulting the directory and clicking on "*demandes de modification*".

Students can also update their data by logging into MyUMONS ("*mes informations*" section).

UMONS takes technical and organisational measures to avoid breaches of personal data. Therefore, it ensures data security and data protection by design and by default. When a data breach occurs, despite

***IN THE EVENT OF A DIVERGENCE BETWEEN THE DIFFERENT LINGUISTIC VERSIONS
OF THE PRIVACY CHARTER, THE FRENCH VERSION SHALL PREVAIL***

the precautions taken, UMONS reports it to the Data Protection Authority, when required to do so by the GDPR.

Any breach of personal data must be reported immediately to dpo@umons.ac.be

Any person processing personal data at UMONS is requested to enquire about the potential risks of processing with regard to loss or breach of data. Any technical information can be obtained by sending a request to support.ci@umons.ac.be

Any information related to computer security can be obtained by sending an email to cism@umons.ac.be

8.2.

For research, data is collected, managed and updated by the researcher. It can be kept longer, reused and cannot be deleted. Specific sensitive data (health, political opinion, race, origins, etc.) can be processed by the researcher. In return for this specific regime, guarantees of individuals' rights are in place, such as, data pseudonymisation (if possible), minimisation, consent, etc.

A code of conduct for researchers can be adopted by the Universities.

Derogation from the rights of individuals in research can only be done in compliance with the Belgian law of 30th July 2018.

Article 9 Confidentiality Agreement

UMONS ensures that only those in need of personal data in the course of their duties have access to it.

Anyone who is required to access personal data within the framework of their functions or missions at UMONS undertakes to respect the confidentiality of said data and makes the following commitments:

- Adopt all appropriate precautions in order to protect the confidentiality of the information to which they have access, and particularly to prevent it from being communicated to persons not expressly authorised to receive this information.
- Immediately report any personal data breach that they become aware of (examples: loss of a computer, loss of files, loss of a USB key, unauthorised access to personal data, etc.) by sending an email to dpo@umons.ac.be or by phoning +3265373702. If necessary, UMONS is obliged to report the incident within 72 hours to the supervisory authority.
- Not use the data they can access for purposes other than those that their attributed function allows.
- Disclose this data only to authorised persons, defined as such because their function allows them to, to receive communications, whether they are private, public, physical or legal persons.

**IN THE EVENT OF A DIVERGENCE BETWEEN THE DIFFERENT LINGUISTIC VERSIONS
OF THE PRIVACY CHARTER, THE FRENCH VERSION SHALL PREVAIL**

- Make no copy of this data unless it is necessary for the performance of functions or missions.
- Adopt all appropriate precautions within the framework of their attributed function to avoid the misuse or fraudulent use of this data.
- Adopt all appropriate precautions to preserve the security of this data.
- As far as their attributed function allows, ensure that only secure means of communication will be used to transfer this data.
- In case functions or missions are terminated, fully restore the data, computer files and any information medium relating to this data.

This confidentiality agreement, in force for the entire duration of the functions or missions at UMONS, will remain effective indefinitely following the termination thereof, whatever the cause, since this agreement concerns the use and communication of personal data.

Article 10 Subcontracting and Joint Responsibility for Personal Data

UMONS may ask a third party to process personal data on its behalf, or order a service from a third party which involves actual or potential access to personal data (ICT providers, for example).

In this case, it is necessary to ensure that the latter complies with the rules of this Charter and the GDPR, particularly regarding security and confidentiality. A contract in accordance with the GDPR must be drawn up by sending an email to dpo@umons.ac.be.

If other persons are responsible for the processing of personal data alongside UMONS, to the extent that they also define the purposes and means of the processing, a contract must also be drawn up by sending an email to dpo@umons.ac.be.

Article 11 Data Subject Rights

Unless a research exemption is provided for by the law of 30th July 2018, any person concerned with the processing of personal data at UMONS has the right to request access to their personal data and correct it if inaccurate.

In certain circumstances, and subject to specific research exemptions, the person may request the deletion of the data, the limitation of its processing, the portability, or they may oppose its processing.

When the processing is based on the consent of the data subject, this can be withdrawn at any time.

In the event of a request from a data subject, UMONS will respond as soon as possible, and in any event within one month of receipt of the request. If necessary, this period may be extended by two months, depending on the complexity and number of requests.

***IN THE EVENT OF A DIVERGENCE BETWEEN THE DIFFERENT LINGUISTIC VERSIONS
OF THE PRIVACY CHARTER, THE FRENCH VERSION SHALL PREVAIL***

UMONS will inform the data subject of this extension and the reasons for the postponement within one month of receipt of the request. When the data subject submits their request in electronic form, information is then provided electronically whenever possible, unless the data subject requests otherwise.

In the event of a complaint concerning their data, the data subject can lodge a complaint with the Data Protection Authority (<https://www.autoriteprotectiondonnees.be/>). It is also possible to contact the DPO of UMONS beforehand if the person wishes (dpo@umons.ac.be).

When the requests of a data subject are clearly unjustified or excessive, particularly because of their repetitive nature, UMONS can:

- Require the payment of fees that cover the administrative costs incurred
- Refuse to respond to the request

It is the responsibility of UMONS to clearly demonstrate the unjustified or excessive nature of the request.

When UMONS has reasonable doubts regarding the identity of the natural person making the request, it may request additional information needed to confirm the identity of the data subject.

Any questions concerning the Privacy Charter can be addressed to dpo@umons.ac.be.