Universiteit Leiden

GUIDE: PRIVACY AT LEIDEN UNIVERSITY

FOR TEACHERS

The GDPR Guide for Teaching Staff

The first part of this guide explains what the GDPR is.
The second part will give pointers on how to handle specific subjects you may face at work.

Any links are clickable in the digital version of this guide, a search term is also provided in case you are using the physical booklet version.

If you have any questions, please email Privacy Support:
privacysupport@hum.leidenuniv.nl

Contents

Contents

Universiteit Leiden

Part 1: What is the GDPR?

The General Data Protection Regulation is currently the most important piece of privacy legislation in the EU. It protects the rights EU citizens have regarding their personal information, and provides a framework for dealing securely with personal data.

The GDPR applies within the EU and EEA, but also internationally when EU companies process personal data from outside the EU or vice versa.

GDPR in Dutch: *Algemene Verordening Gegevensbescherming (AVG)*

What are personal data?

‘**Personal data**’ is any information relating to an identified or identifiable (living) natural person. In short: anything that can potentially be used to identify a person. Examples include name and address, telephone number, but also gender, student number, IP address, Turnitin reports, or exam grades.

Extra importance is also placed on especially sensitive data, so-called **special category data:** racial or ethnic origin, political views, religious beliefs, sex life or sexual orientation, medical data, criminal record or history, trade union membership.
Citizen service number *(BSN)* should also be considered sensitive data for all intents and purposes.

What is a data breach?

Any loss of control over personal data is a potential data breach. This includes theft, compromised or lost data.
A stolen laptop or a misplaced physical document containing personal data are all examples of data breaches.

Avoiding data breaches, and reporting them when they do occur, is a shared responsibility.
Report data breaches to the ISSC.
Please store and transfer data securely using university tools and devices. Avoid using third-party software or personal storage devices (e.g. USB sticks).

Data breaches vary in impact and risk level. If a list of names of thesis prize winners is leaked, the damage that would result is minimal. Leaked emails about student disabilities are much more severe.

All data breaches should be reported as soon as possible so we can take appropriate steps to mitigate or prevent potential damage.

What is ‘processing’?

Under the GDPR, 'processing' of personal data is a broad concept, covering everything from storing, transferring, and deleting data. It can involve a single operation or a whole set of operations, and includes automatic processes. What is considered the 'day-to-day' use of personal data very often amounts to processing the same data.

If the data is not for personal use and intended to be stored in some way, any act performed on the data will be considered processing that data.

Examples of **processing personal data:**

- Keeping grades during the course
- Sending grade lists to the Education Administration Office
- Keeping attendance lists
- Emailing students
- Informing students about study-related activities
- Keeping lists of students who need extra exam time
- Grading and storing examinations
- Proctoring

Are teaching staff permitted to

In order to process personal data you need a legal basis. These are legal arguments stipulated by the GDPR under which processing personal data is allowed. A few common ones are:

- Through consent from a subject
- On the basis of legal obligation or contract
- Processing done in the public interest
- Processing done because of legitimate interest

Processing operations for regular education purposes will have a lawful basis. If this is not the case, the personal data can only be processed if a student has given valid consent. Contact privacysupport@hum.leidenuniv.nl for more information.

process personal data?

Which processing operations

If a processing operation takes place as part of the normal education process, you can assume that it has a legal basis.

Examples:

- Sending grades to the Education Administration Office
- Conducting course evaluations
- Plagiarism checks
- Grading theses

have a lawful basis?

If the personal data processing is not directly necessary for education, but is otherwise related to the study programme, there may still be a lawful basis for it. These include certain advertising purposes, sharing information about activities that promote community building, or improving students chances on the job market.

Examples:

- Extracurricular guidance of students (buddy programmes)
- Informing students about a conference at LU

Which processing operations

As a member of teaching staff, you are permitted to process personal data as part of your work and do not need to ask consent from students. You must adhere to the **Basic principles for working with personal data** and other established guidelines in this document and those in the Handbook for Teaching Staff.

have a lawful basis?

If the processing operation is
1) not part of the normal educational process, or
2) not otherwise related to the study programme,
Then you must ask consent

Examples:

- Taking photographs of students during a tutorial for use in a newsletter or website
- Taking photographs for a yearbook

For further advice, please contact
the Privacy Officer
privacysupport@hum.leidenuniv.nl

Using new software & external parties

The use of new software or using third party services for working on personal data means asking an external party to process personal data for you.

Any processing of personal data by third parties requires a Data Processing Agreement (DPA).
A DPA outlines who bears responsibility for the data, and what processing a third party is allowed to do.

The University has drawn up a data processing agreement for the tools and programmes it supports, so most software offered through University websites or services will not require a DPA.

Are you planning to use new software at work?

Please contact Privacy Support.

privacysupport@hum.leidenuniv.nl

Do's and don'ts when working

1. **Always follow the tips for secure working:**

- Connecting to Wi-Fi? Use Eduroam
- Coffee break, lunch or work meeting? Don’t forget to lock your computer!
- Working from home? Use EduVPN and the remote workplace (https://remote.campus.leidenuniv.nl).

- Never store files on your own PC, laptop, or other personal devices.
- Set a security code for your phone, tablet and laptop. Use Multi-factor authentication.
- Delete all unnecessary or unrequested personal data

with personal data

- Use OneDrive or MS Teams to share files with your team.
- Use SURFfilesender for sending large files.
- Launch presentations using your university laptop, the remote workplace or SURFdrive. Do not use a USB drive.

If you have questions or concerns at any time, please contact the Privacy Officer at privacysupport@hum.leidenuniv.nl

Basic principles for working

2. **Establish:**

- If there is a legal basis for the process if it is a new or unusual processing of personal data.
- See **Appendix A** for common processes that already have a basis.

If Appendix A does not include your process or you have questions please contact Privacy Support.
privacysupport@hum.leidenuniv.nl

with personal data

3. Keep these principles in mind:

- Do not use, send or store more personal data than you need.
- Make clear to others they should not send unnecessary additional personal data if they do so.
- Heed any retention periods for storing data that may be in place. Delete personal data after the retention period. Specific retention periods can be found here. (Search 'basisselectiedocument')

Basic principles for working

- Do not send personal data to third parties or process personal data with tools found online if it is unclear if there is a Data Protection Agreement in place.
- Will the data be managed or archived by Student Affairs (OSZ)? If so, delete your copies after supplying them. You are not permitted to keep copies for your own use.
- Offer transparency to data subjects (e.g. participants, students) about the purpose of the processing.
  The majority of standard educational processes will already be covered by one of the University privacy notices for staff, guests, students, prospective students, alumni, job applicants. You can find these at:

  ENG: www.universiteitleiden.nl/en/privacy

with personal data

If you are going to use a new tool or introduce a new way of working that would include personal data, students should be informed by means of a specific privacy notice.

Contact ECOLe for help with formulating a privacy notice at ecole@hum.leidenuniv.nl

Part 2: GDPR and teaching

The following pages provide guidance on how to handle most situations and types of personal data you may encounter.

If your specific topic is not included here or you have another question, please email **privacysupport@hum.leidenuniv.nl.**

Liability

If employees act in good faith in compliance with rules and policy, the legal responsibility lies with Leiden University. However, privacy and security at LU remains a responsibility we all share.

Student attendance & absence

Use Brightspace for student attendance and absence lists , and keep lists stored only on Brightspace.

Exam attendance lists are an exception: these are provided by the Education Administration Offices. Exam attendance lists are to be archived together with filled out exams.

Archiving examinations / assignments

Paper exams

Filled out exams and assignments must be properly stored. Provide the exams to the Education Administration Office, who will arrange further archiving.

Digital

Digital exams can usually be stored online. If you do so, please state on the front page of the exam where the digital versions of the exams are stored. Please hand the page in to the Education Administration Office.

Please contact ECOLe if you need further guidance:

ecole@hum.leidenuniv.nl

Blended learning tools

If you want to use blended learning tools as part of your course, please contact ECOLe (ecole@hum.leidenuniv.nl).
The following tools are considered privacy-proof:

- Brightspace
- Kaltura
- Remindo
- Lorre
- Ellips
- MediaSite
- Wooclap

- Feedbackfruits
- Pitch2Peer
- ChineseForYou
- Remindo
- Lorre
- Ellips
- Mediasite (Weblectures)

Some tools (mainly ChineseForYou and Lorre) will need you to provide a privacy notice.

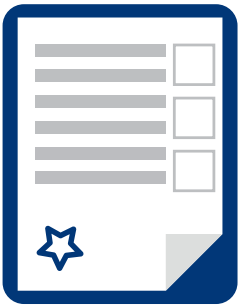
Please contact ECOLe for further guidance.

ecole@hum.leidenuniv.nl

Grades

Grades are stored in uSis for 30 years. Grades should not be stored or processed in other places (e.g. in emails, phone, or personal documents) after submission in uSis.

If you need to store grades for a longer period, please contact the Education Administration offices.



Grade lists

Do not share grade lists outside of sending these to the Education Administration Office.
When sending grades to the Education Administration office from Brightspace Grades, please delete the exported files and grades after sending.
Do not post or display any grades in a publicly accessible or viewable space.

Please ensure that students can only see their own grades.
Student numbers are not anonymous: they can still be linked to student names.

Communication with students

Communication between students and teachers or other staff does not need to be kept in the student's file. Please delete these emails on a regular basis.
Emails from students that contain sensitive personal data should be deleted as soon as possible.

Sensitive data here refers to Special Category Data, mainly data about:

- Health (including mental health)
- Racial or ethnic origin
- Political or religious views
- Sex life or sexual orientation

Trips/outings

Organising an excursion or study trip will very likely involve processing personal data.
For guidance on this, please contact the Privacy Officer at privacysupport@hum.leidenuniv.nl

Evaluations

Be aware that teacher or course evaluations are not strictly anonymous and can often be traced back to you as a teacher. Treat these evaluations accordingly.
If you would like extra evaluations in addition to the standard ICLON evaluations (e.g. project evaluations), only use supported software that has a DPA with Leiden University.

Contact ECOLe for more information. ecole@hum.leidenuniv.nl

Social Media

Be aware that most well-known social media platforms are not privacy-proof or secure.
This includes Facebook, WhatsApp, WeChat, Youtube, Twitter, and Discord.
Please do not use these social media for any work-related communication or other processing of personal data.

Photographs

Photographing persons for any purpose requires asking for consent. Offer options to avoid being photographed if no consent has been given, and allow for consent to be withdrawn. Leiden University's image bank offers freely available photographs; these do not require additional consent (more information can be found on the image bank page here.)

Disability

Please see **Exams & student disabilities** on page 42.

Guest lecturers

If you invite someone to give a guest lecture, you are responsible for handling their personal data.

Handle communications between the guest and students yourself.
Restrict access to personal data.

Guest staff

Faculty guest or temporary staff can be regarded as staff members for most purposes; they do not need to sign additional agreements. If temporary staff perform teaching duties or process personal data they must comply with the GDPR.

Student groups

Groups containing personal data (e.g. names or student numbers) should be deleted at the end of a semester.

Inform students about groups through Brightspace or by email; however, do not display group information in public or openly accessible places.

Learning analytics

Learning analytics can be used to gather information about the learning process. This information can be used to improve courses in the future.

The University does not currently have a policy on the use of 'learning analytics'; however, we can offer a **general guideline:**

Aggregated statistics where data can no longer be traced back to individuals may be used, as long as you inform students you are doing so.

If you require more data or data that might be traced to individuals, please contact the Privacy Officer or ECOLe.

privacysupport@hum.leidenuniv.nl
ecole@hum.leidenuniv.nl

Practice assignments

Delete any ungraded assignments at the end of the semester.

Assignments on Brightspace, Remindo, Ellips, or Turnitin will be deleted automatically.

If you used a different tool or platform, please contact ECOLe.
ecole@hum.leidenuniv.nl

Pitch2Peer

If you use Pitch2Peer in combination with Brightspace, please contact ECOLe for guidance regarding deletion.
ecole@hum.leidenuniv.nl

Plagiarism

All assignments are to be submitted through Turnitin. If you suspect plagiarism, please notify the relevant study advisor and the Board of Examiners.

Only submit plagiarism reports to the study advisor and the Board of Examiners, who will ensure correct processing and archiving.
Do not keep any extra copies for your own use.

Collaborative assignments

Products that are given a grade must be kept for 2 years. This can be done digitally in the relevant course or tool.
Printed documents can be handed in to the Education Administration Office, together with the mandatory front page.
If collaborative products are not given a grade, they do not have a fixed retention and destruction period. These products are deleted when the course or tool is deleted.

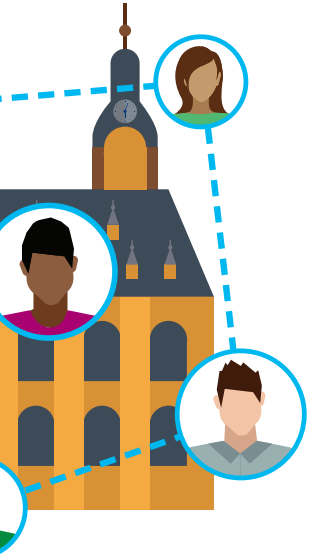
Student Research

Student research/theses that involve personal data (e.g. recorded interviews) fall under the GDPR. Supervisors bear responsibility for assessing whether ethical and privacy standards are maintained.

Privacy support for supervisors is available from the Privacy Officer:
privacysupport@hum.leidenuniv.nl

Students must upload theses to the University Library repository to be archived. If necessary, archived copies can be put under embargo, which restricts access.
Keeping printed copies of theses is allowed, provided the student has given their consent. Please delete any previous or unfinished versions of theses after the final grade has been submitted.

Student software use



If your students need to use third-party software that requires the processing of personal data, please contact the Privacy Officer.

privacysupport@hum.leidenuniv.nl

Internship

Internship plans are stored by the Student Affairs (OSZ) Career Service. You do not need to keep these documents at the end of the student's internship.

Student assistant

If you appoint a student assistant, all the personal data required for their appointment will be stored by HR, and should not be stored on your personal device. This applies especially to letters and CVs.

If you obtain consent, you are permitted to retain letters and CVs for a maximum of 1 year.

Study-related activities

You are permitted to communicate study-related activities on behalf of a study association. Please do so through Brightspace, and not by email.
Never pass on your students' email addresses to a study association or to external parties without a DPA (e.g. parties supplying non-LU certificates).

Exams & student disabilities

You must delete the list of students who have a disability at the end of the examination. This is considered sensitive information.

Exams

Written
Keep filled out exams in a locked cupboard until handed over to the Education Administration Office for archiving.

Digital
See ‘Archiving exams' on page 24.

Oral Exams
Please hand in the assessment of both examiners and/or the audio recording with a teacher's assessment to the Education Administration Office. Do not keep a private copy.

Web lectures

The University's privacy notice is sufficient for all web lectures given at Leiden University. Cameras used for filming web lectures are positioned in such a way that no unnecessary filming of students takes place.
If you wish to use web lectures for other purposes than teaching, you must ask consent. Note: This only applies if the students are identifiable.

Web lectures are stored until the end of the following academic year. A copy from the previous year can always be requested in case of loss, absence, or technical issues.

The retention period of web lectures is 21 months, depending on when the lecture took place during the academic year.

Assignments

Assignments and essays submitted on Brightspace are stored in Brightspace.
If your students do not submit their work via Brightspace, archive assignments in the same way as written exams or assignments.
Do not keep private copies.

YouTube

Video material containing personal data should only uploaded to external platforms if Leiden University has a Data Processing Agreement with these platforums.
This is not the case for YouTube.
Video material should be published on Kaltura instead (link) (search term: Kaltura).

Teacher sick leave & absence

When announcing sickness or absence through Brightspace or to the Education Administration Office, you are not required to state a reason.
Be mindful that you may be sharing medical data if you do state your reason.

A general announcement will suffice (e.g. “The lecture has been cancelled due to unforeseen circumstances”.)

Appendix A. Processing operations

All the personal data processes in this appendix have a lawful basis. **All principles for working with personal data must still be observed.**

- Enrolment for courses/study programmes
- Determining competences / Entry tests
- Giving access to digital / physical teaching material
- Publishing timetables
- Teaching class
- Absence/Sickness administration
- Maintaining attendance lists
- Producing timetables
- Using didactic teaching methods
- Using educational materials
- Implementing and supervising education processes

- Exams (digital and paper)
- Thesis supervision
- Communication with students

- Internship supervision
  - Conducting assessments
  - Grading assessments
  - Archiving assessments
- Finalising a course
  - Conducting evaluations/exams
- Extracurricular
  - Excursions / study trips
  - Informing students about activities / events related to the education.

Colofon

Tekst:
Max van Arnhem
Rob Goedemans
Marjana Rhebergen

Lay-out:
Jiske Angenent

IFZ & FGW