



# GDPR at LSU



# What is GDPR

- The General Data Protection Regulation (GDPR) is a European regulation that aims to strengthen personal data protection for all individuals residing within the European Union (EU), and further control the export of personal data outside of the EU
  - Officially replaces the EU's Data Protection Directive of 1995
  - Extends the scope to include any entity, *including those with no physical presence in the EU*, that controls or processes personal information of EU data subjects
  - GDPR becomes enforceable on **May 25th, 2018**



# GDPR and LSU

As an institution that offers distance education programs and professional employment opportunities to EU citizens, LSU will likely be compelled to meet more rigorous compliance requirements stipulated by GDPR. Compliance requirements will pertain to many forms of personal data, including but not limited to data gathered by:

- Recruiting (student/employee)
- Student Admissions
- Student Financial Aid
- LSU HR (i.e. for employment purposes)



# Controller vs. Processor

- GDPR regulation applies to all "controllers" and "processors" of data.
  - **Controllers** are the principal entities that transact with individuals. They are the entities that govern the purpose, use, and methods related to the processing of personally identifiable information (e.g. LSU Admissions, Recruiting, HR)
  - **Processors** are organizations — typically IT — that actually carry out the processing activities (e.g. ITS, departmental IT, Workday)



# Personal Data

GDPR defines **personal data** as any type of information that can be used directly or indirectly to identify an individual.

This can include but is not limited to:

- Name
- Identification Number
- Location Data
- Online Identifiers
- Health Data
- Criminal Offence data
- Photographs



# Sensitive Data

Additional protections will be required for personal information that is considered sensitive in nature. **Sensitive data** includes but is it not limited to information regarding:

- Race and ethnicity
- Religion
- Sexual orientation
- Political views



# Consent

- An additional provision of the GDPR states that processing (i.e. collecting, storing, using, disclosing) personal information must be based on the data subjects direct or indirect consent through a contract.
- General privacy waivers and automatic opt-ins with optional withdrawals ***do not*** satisfy the consent requirement.
- Consent includes the “right to be forgotten”, which provides data subjects with the right to have personal data erased in some circumstances when the personal data is no longer necessary in relation to its original purpose



# Risks of non-compliance

- Qualified supervisory authorities with enforcement powers will be designated to implement the requirements of GDPR. These authorities will oversee compliance, provide consultation, and receive and investigate complaints against data controllers and processors.
- Enforcement agencies can impose **fines of up to two percent of a violator's global revenues** for some violations, and **up to four percent of such revenues for more serious ones.**
- Public compliance failure could result in reputational damage for the University
- European entities may be unwilling or unable to partner with LSU should the University fail to meet GDPR requirements





# Preparing for GDPR

Departments can prepare themselves for GDPR compliance by:

- Capturing and outlining all data collected from EU residents (or data collected in general)
- Understanding “personal data” and “sensitive data” as it is defined by GDPR and categorizing the EU collected data accordingly
- Reviewing collection, retention, and deletion procedures for all personal data (where is it stored? Is it shared internally? Externally?)
- Reviewing and documenting data breach notification procedures
- Reviewing consent and privacy waiver documentation, ensuring a “right of withdrawal” clause is implemented
- Engaging the LSU Internal audit department to ensure compliance with GDPR provisions



**Questions?**

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