FREQUENTLY ASKED QUESTIONS REGARDING THE GENERAL DATA PROTECTION REGULATION (GDPR)

**1. WHAT DOES THE GDPR REQUIRE?**

The GDPR requires the following principles for processing personal data. Personal data shall be:

* Processed lawfully, fairly, and in a transparent manner in relation to the data subject;
* Collected for specified, explicit, and legitimate purposes and not further processed in a manner incompatible with the purpose;
* Adequate, relevant, and limited to what is necessary in relation to the purpose for which the data is processed;
* Accurate and necessary, kept up to date, and ensuring any inaccurate data is destroyed or rectified;
* Kept in a form which allows for identification of data subjects for no longer than is necessary for the purpose for which the data is processed (note that personal data may be stored for periods longer than the intended purpose for archival/record retention purposes provided appropriate safeguard measures are in place);
* Processed in a manner that ensures appropriate security of the personal data, including against loss, destruction or damage, or unauthorized disclosure.

**2. WHAT INFORMATION IS CONSIDERED PERSONAL DATA?**

Personal data is defined very broadly and consists of any information relating to an identified or identifiable person. At UTSA, this would include, but is not limited to first and last names, photograph, email address, date of birth, personal phone numbers, personal identification number, location data, online identifier, or to one or more factors specific to the physical, psychological, genetic, mental, economic, cultural or social identity of that person.  Additionally, the GDPR provides additional protections for sensitive personal data that includes: racial and ethnic origin, health, genetic/biometric, religion, sexual orientation, political views.

**3. DOES THE GDPR APPLY TO UTSA?**

Yes. The GDPR directly applies to UTSA when it controls or processes the personal data of any individual located in the EU (applies to data created/originated while that individual is in the EU). Under the GDPR, “controller” is defined as the entity that determines the purposes, conditions, and means of the processing of personal data. “Processor” is defined as the entity which processes the personal data on behalf of the controller. “Processing” is defined as “any operation or set of operations which is performed on personal data,” including but not limited to: collection, recording, storage, use, disclosure by transmission.

**4. CAN UTSA COLLECT/PROCESS DATA UNDER THE GDPR?**

In order to collect and process personal data from the EU, UTSA must meet one of the following requirements:

1. Processing is necessary for the purposes of the legitimate interests pursued by UTSA or by a third party.
2. Processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract.
3. Processing is necessary for compliance with a legal obligation to which UTSA is subject.
4. The data subject has given consent to the processing of his or her personal data for one or more specific purposes.

As an institute of higher education, UTSA is a comprehensive research, teaching, and public service institution. In order for UTSA to educate its foreign and domestic students both in person and on-line, engage in world-class research, and provide public service, it is essential, and UTSA has a lawful basis, to collect, process, use, and maintain the personal data of its students, employees, applicants, research subjects, and others involved in its educational, research, and community programs. In addition, UTSA necessarily processes data in the performance of contracts relating to academics, vendor services and goods, research and educational services. These activities include, without limitation, admission; registration; delivery of classroom courses, on-line and study abroad education; grades; communications; employment; applied research; development; program analysis for improvements; vendor goods and services relating to the educational and research mission and records retention.

**5. HOW DO I KNOW THE DATA MY DEPARTMENT COLLECTS AND PROCESSES IS PERFORMED UNDER A LAWFUL BASIS?**

Complete the [Lawful Basis Form](https://www.utsa.edu/legalaffairs/forms.html).

**6. WHEN DO I NEED CONSENT OF THE DATA SUBJECT TO COLLECT PERSONAL DATA?**

Consent is required whenever UTSA collects any of the following information.

* racial or ethnic origin
* political opinions
* religious or philosophical beliefs
* genetic data
* biometric data
* sexual orientation

Use the [Model Consent Form](https://www.utsa.edu/legalaffairs/forms.html) as a template to collect this information or add the language to your existing form(s). Electronic consent is also permissible (including click acceptance), but the consent must be: 1) Freely given; 2) specific, informed and unambiguous; and clear affirmative action. Silence, pre-ticked boxes or inactivity does not constitute consent.

**7. DO I NEED TO ADD ANY INFORMATION TO MY DEPARTMENT’S WEBSITE?**

Yes. Each website should have a link to the [UTSA Legal and Privacy Notice](https://www.utsa.edu/policies/privacy.html) at the bottom of the page.

**8. WHAT ARE THE UTSA SECURITY STANDARDS AND REQUIREMENTS FOR DATA?**

All personal data and sensitive personal data collected or processed by any UTSA unit must comply with the security controls and systems and process requirements of UTSA’s [Data Classification Standard](https://security.utsa.edu/standard-for-data-classification/).

**9. WHAT RIGHTS DO INDIVIDUALS HAVE UNDER THE GDPR?**

The GDPR provides data subjects the right to requests access to their data, a copy of their data, restriction of the use of their data, and/or erasure of their data. Refer to [UTSA Internet and Privacy Statement](https://www.utsa.edu/policies/privacy.html) for more information.

**10.  DOES UTSA HAVE A POLICY REGARDING THE GDPR?**

Yes, it is in the [UTSA Internet and Privacy Statement](https://www.utsa.edu/policies/privacy.html).

**11. IF I HAVE QUESTIONS ABOUT THE GDPR WHO DO I CONTACT?**

Questions regarding GDPR requirements should be addressed to UTSA’s Chief Privacy Officer, Sandra J. Garcia in the Office of Legal Affairs. Data security requirements should be addressed to Chief Information Security Officer, Kevin Kjosa.