**The University of Texas at San Antonio European Union GDPR Lawful Basis Form**

**Introduction**

The European Union General Data Protection Regulation, or “GDPR”, imposes obligations on entities that control or process personal data about people while they are in the European Union (“EU”).

A list of EU countries subject to the GDPR can be found at: https://europa.eu/european-union/about-eu/countries\_en

Personal data is any information relating to an identified or identifiable person either directly or indirectly, including but not limited to: name, photo, email address, identification number such as UTA ID#, physical address or other location data, IP address or other online identifier, etc.

UTSA has prepared this GDPR Lawful Basis questionnaire to document the business reasons for collecting or processing personal data about people while they are in the EU. This form will guide your department to determine which information it is able to collect and when consent is necessary, and what notice you must provide. Keep a record in the department’s files and send a copy to Shelby Boseman at the email below.

Should you have any questions about this form, please contact the Office of Legal Affairs, Sandra J. Garcia at sandra.garcia3@utsa.edu.

## Information Stewardship Business Area:

*(options: Student, Financials, HR, Research, Academic, etc.)*

## Business Department:

*(examples: Undergraduate Admissions, Accounts Payable, Payroll, Parking)*

## Data Steward Name (Person or Title Collecting Information):

**Data Steward Email Address:**

**Data Trustee Name (Person or Employee Title Maintaining/Preserving Information):**

**Data Trustee Email Address:**

**If you are filling out this form on behalf of a Data Steward or Data Trustee, please provide your name and email address:**

**Questions**

Q1

How does your department receive personal data about/from people while they are located in the EU?

o From individuals themselves

o From third-party(ies)

o From both individual and third-party(ies)

o The department does not receive personal data about people while they are located in the EU.

## If the department receives no personal data you can stop here, no further action is required.

Q2 (If Q1 is “From third-party” or “From both individual and third-party”) Please list below the third-parties from whom you receive personal data.

*Please separate third-party names with semicolons.*

Q3

Is your office deleting the personal data it collects or processes at the end of the appropriate UTSA Records Retention time period?

*Find UTSA Records Retention time periods here:*

*https://www.utsa.edu/openrecords/docs/retention-schedule-slr-105---utsa-10-2014.pdf*

o Yes

o No

o I need someone to contact me about Records Retention

Q4

For what business purpose(s) does your office collect or process personal data about people while they are located in the EU?

*Please separate business purposes with semicolons.*

Q5

Can you meet the business purpose(s) listed in your response to the prior question without the use of all such personal data collected?

o Yes

o No

# If Yes, update data collection practice to not request/collect the unnecessary personal data.

Q6

Can the data subject opt out of the collection and processing of the personal data while still meeting the business purpose(s) for collecting the personal data?

o Yes

o No

Q7

Are you using the personal data for any reason(s) other than the reason(s) for which it was originally collected?

o Yes

o No

Q8 (If Q7 is Yes)

Please describe the type of personal data collected, the reason it was originally collected, and the type of continued use/processing that is different than the reason such personal data was initially collected.

*Please separate types of personal data with semicolons.*

Q9

Have you taken steps to ensure that the personal data collected/processed is the minimum necessary and that all information so collected and processed is secure via encryption or other privacy enhancing technologies?

o Yes

o No

o I need someone to contact me about privacy enhancing technologies

Q10 (If Q9 is Yes)

Please describe the data security measures utilized.

*Please separate data security measures with semicolons.*

Q11

Does your office share with other UTSA units any of the personal data you collect or process from people while they are located in the EU?

o Yes

o No

Q12

Does your office share with third-parties any of the personal data you collect or process from people while they are located in the EU?

o Yes

o No

Q13 (If Q12 is Yes)

Please name the third-parties with whom you share personal data.

*Please separate third-party names with semicolons.*

Q14

Do any of your websites collect personal data from visitors - either automatically (cookies, IP addresses, Google Analytics) or through forms filled out by visitors?

o Yes

o No

o Do not have a website

Q15

Do you link to the UTSA Internet Privacy and Security Statement on your website homepage?

*See UTSA Internet Privacy and Security Statement:* [*https://www.utsa.edu/policies/privacy.html*](https://www.utsa.edu/policies/privacy.html)

o Yes

o No

o Do not have a website

**Your website must include a link to the UTSA Internet Privacy and Security Statement if you collect personal information. If you collect information using paper forms your form must also refer to the UTSA Internet Privacy and Security Statement.**

Q16

Does your office collect, store, or use any of the following types of **sensitive personal data**

about people while they are located in the EU?

*Check as many as apply, or check "None"*

▢Racial or ethnic origin

▢Political opinions

▢Religious or philosophical beliefs

▢Genetic or biometric data for the purpose of uniquely identifying a natural person

▢ Health data

▢Data concerning a person's sex life or sexual orientation

▢Trade union memberships

▢ None - Do not collect sensitive personal data

## If you selected “None,” then you do not need to take further action to obtain written consent.

Q17 (If Q16 is **not “**None”)

For what business purpose(s) does your office collect or process **sensitive personal data**

about people while they are located in the EU?

*Please separate business purposes with semicolons.*

Q18 (If Q16 is **not “**None”)

Can you meet the business purpose(s) listed in your response to the prior question without the use of all such **sensitive personal data** collected?

o Yes

o No

# If Yes, update data collection practice to not request/collect the unnecessary personal data.

Q19 (If Q16 is **not “**None”)

Can the data subject opt out of the collection and processing of the **sensitive personal data**

while still meeting the business purpose(s) for collecting the **sensitive personal data**?

o Yes

o No

Q20 (If Q16 is **not** None)

Do you get affirmative written consent from the person before you collect this type of **sensitive personal data**?

o Yes

o No

**To collect sensitive personal data, affirmative written consent is required. Please use the** [**Consent Form**](https://www.utsa.edu/legalaffairs/forms.html)**.**