

ASW Parents Privacy Notice

May, 2018

ASW Mission Statement

We believe there are many paths to learning. To unlock our students' potential, we provide a wide range of experiences: we engage them in our rigorous academic curriculum, visual and performing arts programs, athletics, and service learning. We foster a passion for ideas, creativity and curiosity.

We create a culture of learning that supports students with a diverse set of abilities and interests. We challenge students to find their own voices, encourage them to ask questions, and inspire them to think for themselves.

We offer students and their families a welcoming, inclusive and safe environment, one that is balanced between our host country Poland and the international community. We treat all students with respect, and we instill in them respect for others. Our students form friendships that remain lifelong connections.



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The American School of Warsaw (ASW) processes personal data on its prospective, current and former students and their parents or legal representatives, as part of its everyday operations of providing educational services.

ASW handles your personal data according to the General Data Protection Regulation no. 679 / 2016 applicable in the European Union (GDPR) and the school [Data Protection Policy](#). For these purposes, ASW acts as controller with regard to your personal data and the personal data of students, meaning ASW establishes the purposes and means of processing the Personal Data.

This notice is to help you understand how and why ASW collects your personal information and what we do with that information. It also explains the decisions that you can make about your own information. If you have any questions about this notice please contact dpo@aswarsaw.org.

What is personal data?

Personal data is any information that identifies you and the students – directly or indirectly – as an individual. This includes information such as name, date of birth, student ID, contact details, billing information, academic records, teacher references, attendance information, photographs, etc.

What does data processing mean?

For the purposes of this Privacy Notice, please note that when we refer to data processing we refer to any operation or set of operations which is performed on personal data, either by automated or manual means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

Which are the purposes for which ASW processes your Personal Data?

ASW processes Personal Data that pertain to you or to the students for the following purposes:

- **Provision of educational services**, starting with the application process, enrolling students, administration of classes and timetable, teaching activities, administration of internal and public examinations, assistance regarding the application process to various universities, issuance of academic records.
- **Provision of educational ancillary services**: career and personal counselling, library services, extracurricular activities, school trips, managing the school's publications, setting up the virtual learning environment and granting access to ASW's Intranet and Internet network as well as monitoring the use of ASW's network.
- **Ensuring campus security**: monitoring access on campus, performance of video surveillance.
- Provision of the **medical care and counselling** that students may need.
- **School administration**: handling student records and other academic documentation, administration of fees and accounts, internal audits and controls, reporting and statistics creation, implementing school policies, ensuring collaboration with other schools, archiving, assessing the quality of our services, facilitating research activities.
- **School related communications**: conveying various messages related to the students and ASW's activities by any communication means.
- Organizing **fundraising activities** and **other school events** (e.g., concerts, theatre productions, shows, tournaments, fairs), including marketing communications related to the activities organized by ASW.
- Dispute resolution and litigations.

Which categories of Personal Data does ASW process?

The categories of Personal Data that ASW processes include, but are not limited to the following:

- Identification and contact information (first and last name, citizenship, country of birth, address, information included in IDs / passports, phone number, email etc.).
- Payer information (billing address, name of the payer, payer email address)
- Health data: medical history, allergies, immunization records, medical examination results and other medical data of the students.
- Medical Insurance details.
- Emergency contact information.
- Data related to the educational background and regarding school performance of the students: academic, disciplinary or other educational related records, academic references,

- special needs, hobbies, results of educational diagnosis testing, test results, feedbacks, evaluations etc.
- Behavioral data as well as data on preferences / interests of students.
- Family information: household information, student custody, language background, profession and workplace of parents etc.
- Authentication and physical access data: email, passwords, badge number, location data, other on-line identifiers, car details etc.
- Image (photographs and videos).

Generally, the Personal Data held by ASW is provided directly by the parents or results from the interaction the parents and the students have with the school. In some cases, third parties (e.g., representatives of former schools and/or outside referral centres attended by students) may supply some data.

Which is the lawful basis for the processing operations ASW conducts with regard to the Personal Data?

ASW collects and further processes Personal Data, based on one of the following legal grounds, expressly laid down by the GDPR:

- The **consent** you have granted us, prior to any processing of the personal data, for:
 - Evaluation of the student for admission to the school
 - There are some mandatory categories of personal data necessary to ASW in order to evaluate the student for admission, make an offer of enrolment and provide the educational services to students at a high standard and in the best interest of the students. The mandatory categories of personal data are included and marked accordingly in the application form. All the mandatory categories of data are necessary for ASW to be able to evaluate your application and finally to enroll the student. Failure to provide all the information marked as mandatory will lead to the impossibility of ASW to process your application.
 - The use of students' photographs and videos in various school publications, on ASW's website and social media pages.
 - The use of your contact details for direct marketing communications or fundraising activities.
 - Other consents that may be granted from time to time for various processing activities.
- For providing the educational services in execution of **the enrolment contract** or in order to take steps prior to entering into the enrolment contract.
- A **legal obligation** that requires ASW to process your Personal Data.
- The **legitimate interest pursued by ASW**.

ASW relies on this legal ground in order to provide the educational services it has committed to deliver and additional services related to this scope at the highest standards, always for the benefit of the students and without outweighing the parents or the students' rights and liberties.

ASW may invoke the legitimate interest legal ground in the following cases:

- Issuing and storing academic records, evaluating students' performance etc.
- Monitoring use of the ASW's virtual learning environment and network, including monitoring the use of e-mail accounts provided by ASW.
- Conducting and marketing fundraising activities and other school related events.
- Enforcement of legal claims, addressing complaints and third party controls.
- Management, control, reporting and performing statistics on schools activity.
- Ensuring security.
- Maintaining close relationships with alumni and ASW's community.
- Collaboration with other schools and educational institutions.
- Performance of agreements with suppliers, including insurance suppliers.
- Access to grants and other funding sources.

With respect to the processing of the **special categories of personal data under the GDPR**, respectively health data of students, please take into consideration that ASW processes **health data** based on the following legal grounds:

- Processing is necessary during the admissions process to evaluate whether the student's medical needs can be met at ASW.
- Processing by the Nurse's Office is necessary during enrolment to promote student health and safety, provide interventions, early identification of problems, and referrals. The necessity of the Nurses' Office to process such data for the purpose of preventive and occupational medicine, medical diagnosis and the provision of health or social care or treatment on the basis of European Union or national law.
- Processing is necessary for reasons of substantial public interest, on the basis of European Union or national law. Such a legal ground is used especially in those situations where the school has to assess the learning capacity of a student and adapt the teaching activities to the special needs of a student.
- The explicit consent granted by you for the disclosure of the personal data of students related to the allergies they suffer from or any other medical alerts.

Does ASW disclose Personal Data?

ASW discloses your Personal Data only to those members of ASW, staff and collaborators, who need access to the personal data mainly for ensuring the provision of the educational and ancillary services. In this respect, please take into account that only the Nurses' Office has access to the students' medical records.

Other departments of the school have access to specific health data based on the consent you have expressed (i.e. for allergies) or in order to protect a substantial public interest based on Union or Polish national law (e.g., various medical conditions triggering special learning needs).

With respect to the disclosure of your Personal Data to third parties, outside ASW, please note that such disclosure is performed solely in the regular activity of the school. The categories of recipients include the following:

- IT providers, including educational applications, on-line tools, server hosting suppliers such as OpenApply, CHQ, Google Suite, NWEA, WIDA and College Board etc.
- The Catering company in its capacity of independent provider of meal services on campus.
- Other educational institutions or organizations, not limited to other schools.
- Travel agencies, catering and transportation providers,
- Photographers and videographers.
- Courier services providers.
- Public authorities and institutions, national or foreign, judicial courts and foreign embassies or other forms of diplomatic missions.
- Tax, legal and accounting consultants/auditors.

Third country transfers

Personal data is transferred outside the EU only on the basis of a European Commission adequacy decision, the EU Model Clauses or the US-EU Privacy Shield (when the data is transferred to the United States)

ASW transfers your personal data to third party processors and countries, as follows:

- *Faria Systems LLC* - provider of Open Apply
 - ASW has a service agreement with Faria Systems LLC that gives consent to Open Apply to transfer School Personal Data between its group companies in UK, USA, Taiwan and Hong Kong, and data centers in Canada, USA and Ireland.
 - Personal Data is only transferred when required a part of its business operations to facilitate the provision of the Services to the School.
 - Where required by Data Protection Requirements, appropriate safeguards shall be in place to cover such transfer, where personal data is transferred outside of the European Union , Open Apply have entered into standard contractual clauses issued by the European Commission as required under the Data Protection Requirements
- *Google* - provider of G-Suite Applications
 - Data Storage and Processing Facilities. Google may store and process Customer Data in the United States (safety of data in this case is guaranteed by Google's participation in the EU-USA Privacy Shield) and other countries in which Google or any of its Subprocessors maintains facilities. Countries in which Google Data center storage and sub processors include United States, Japan, Germany, Malaysia, Bulgaria, Canada, Ireland.
 - Data Center Information. Detailed Information about the locations of Google data centers is available at:
<https://www.google.com/about/datacenters/inside/locations/index.html>

ASW may also send student information to the International Baccalaureate Organization (IBO) when

registering students for external examinations and certificates. ASW does not transfer any information to third party processes without your consent unless the law and our policies allow us to do so.

If you wish to consult the appropriate safeguards put in place by ASW regarding the transfer of personal data to other countries, please refer to the contact point at the end of this Privacy Notice.

For how long does ASW retain your Personal Data?

ASW holds all your Personal Data for as long as you are in a contractual relation with us, and afterwards for a standard period of 6-years, for which ASW can justify a need in storing such personal data. ASW keeps the student file and all the data related to the student interaction with ASW mainly for the scope of assessing the school's activity and the quality of services provided but also for addressing potential request of students with regard to their school trajectory within ASW, which usually appear after the students have graduated or transferred to another school. Moreover, ASW takes into account also standard limitation period of the claims.

Notwithstanding the retention period mentioned above, please be informed, that all the academic records and other school acts and documents related to study activities are kept for an indefinite period of time, according to the legal obligations that ASW has in this respect. Moreover, in any case where a legal provision imposes a minimum retention period, ASW will keep the Personal Data for at least that mandatory period.

Which are your rights related to the processing of Personal Data by ASW?

The GDPR provides certain rights related to the processing of personal data, that both you and the students have. In this respect, please be informed that students that are 18 years or above could exercise the rights listed in this section, individually.

ASW respects all the rights mentioned under the GDPR and is committed to furnishing the appropriate means by which you can exercise these rights, according to the details mentioned below:

- The **right of access**, which entails your possibility to obtain the confirmation from ASW whether your Personal Data is being processed by ASW or not, and if the case may be you are entitled to solicit access to this data, as well as additional information regarding the Personal Data, such as: the purposes of processing, the categories of recipients the Personal Data are being disclosed to and the envisaged retention period. The right of access includes also a right to obtain a copy of the personal data undergoing processing. In the situations where you may need to exercise the right of access, please consider contacting ASW and requesting confirmation by e-mail at dpo@aswarsaw.org. Please consider that there might be specific situations that are exempted from the right of access, such as information that identifies other individuals or which is subject to confidentiality obligations.
- The **right to rectification**, that allows you to request ASW to rectify any inaccurate Personal Data that ASW may hold, as well as to have your incomplete Personal Data completed.
- The **right to erasure** meaning that in the situations expressly regulated by law, you may request erasure of your personal data. Please take into account, that the cases where the law provides for the possibility of erasure of personal data amount to the situations where

i.a. the processing is unlawful or where the processing is based on your consent, and you have withdrawn such consent.

- The **right to restriction of processing**, signifying your right to obtain restriction of processing your Personal Data from ASW's part. Please bear in mind that this right can be exercised only in specific situations laid down by the GDPR such as when you challenge the accuracy of your Personal Data. During the period necessary for us to rectify your data, you may ask us to restrict the processing of your Personal Data.
- The **right to data portability** implying your right to receive the personal data in a structured, commonly used and machine-readable format and further to transmit such data to another controller. This right to data portability shall be applicable only to the personal data you have provided to us and where the processing is carried out by automated means based on your consent or for the performance of the contract you have concluded with ASW.
- The **right to object** to the processing of your Personal Data by ASW, on grounds relating to your particular situation. The right to object applies to the situations where ASW relies on the legitimate interest pursued by the School (e.g. using your email address for conveying fundraising related messages).
- The **right to lodge a complaint** designates your right to challenge the manner in which ASW performs processing of your Personal Data with the competent data protection authority.

If you believe that the School processes personal data in breach of personal data protection provisions, you have the right to submit a complaint to the President of the Personal Data Protection Office. The Personal Data Protection Office is located in Warsaw (00-193) ul. Stawki 2, tel. 22 531 03 00, website and electronic inbox: <https://uodo.gov.pl>

- The **right to withdraw your consent** given for various processing operations, in cases where the consent represents the lawful basis for processing. In cases where you withdraw your consent to processing your Personal Data, please note that the processing will end from the moment the withdrawal takes place without any effect on the processing that took place prior such withdrawal.

Profiling

ASW creates various profiles through automated means based on the Personal Data that pertain to students. Generally, such profiles are created via various applications used in the online education environment such as: MAP Testing Tool and NWEA.

ASW creates and uses such profiles to evaluate the performance of its students, to identify gaps in their development or to assess specific traits that characterize students' personality, preferences, and behavior or professional inclinations.

Based on such profiles ASW, however, will not make with respect to student any automated decisions, which produces legal effects concerning him or her or similarly significantly affects him or he.

Video Surveillance

ASW uses video surveillance system (CCTV) on the campus, in order to ensure security of its students, staff and all the other persons that enter our premises. The security and wellbeing of our students is our primary concern and these video cameras allow us to offer real time protection. The legal basis for such monitoring is Art. 108a of the Polish Education Law (Act of 14 December 2016) in connection with Art. 6(1)(f) of GDPR.

All the areas covered by a video camera are identified on campus through specific banners, informing you of the video surveillance conducted by ASW.

Video surveillance recordings may be disclosed to third parties such as the police and be kept for 3 weeks.

Photographs and Videos

The photographs and videos may be taken throughout the school year by staff, students and third party contractors to record school life at ASW. The School may use photographic images and videos within the school for:

- Educational and informational purposes (such as keeping records of lessons, field trips, sports, events, staff training).
- Marketing and publication purposes, if and to the extent we have obtained you and/or your child's consent where required under applicable data protection legislation to do so
- Identification and official purposes (such as student information student, school ID card, diploma/report cards and other official document)
- Yearbook.

We will not publish photographs or video of individuals alongside their names publically or in school publications, Newsletters, Social Media Sites or on the school website unless we have obtained your and/or the student's explicit consent.

Contact Point

In the situation where you may wish to exercise any of the rights listed in this Privacy Notice or to obtain additional information or clarification on the subject of processing your Personal Data please contact ASW, *via its appointed Data Protection Officer*, who is responsible for ensuring that ASW complies with all the requirements of the GDPR.

Contact Details of ASW's Data Protection Officer:

E-mail address: dpo@aswarsaw.org

The present Privacy Notice shall apply along with other policies / procedures adopted at the level of ASW, such as:

- [Data Protection Policy](#).