



Stichting Het Rijnlands Lyceum

Privacy rules of procedure for the processing of data of primary and secondary school students

Article 1 Definitions

For the purposes of these rules of procedure, the following terms shall have the meanings given in capital letters:

- a. Student: person in education at a primary, special or secondary school affiliated with Stichting het Rijnlands Lyceum as referred to in the Primary Education Act (WPO), Secondary Education Act (WVO) and Act on Expertise Centres (WEC);
- b. Personal Data: all information concerning an identified or identifiable natural person;
- c. Processing: any operation or set of operations relating to Personal Data or any set of Personal Data, whether or not carried out by automatic 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, blocking, deletion or destruction of data;
- d. Personal Number: the unique personal number assigned to each Student by virtue of the Education Number Act (*Wet onderwijsnummer*);
- e. Person Responsible for Processing: Stichting Het Rijnlands Lyceum;
- f. Manager: the person who, under the responsibility of Stichting Het Rijnlands Lyceum, is responsible for the (day-to-day) Processing of Personal Data;
- g. Processor: any natural or legal person, public authority, agency or other body that Processes Personal Data for the benefit of Stichting Het Rijnlands Lyceum without being under its direct authority;
- h. Data Subject: the person to whom Personal Data relates; in these rules of procedure, the Student or his or her legal representative;
- i. Third Party: a natural or legal person, a public authority, an agency or any other body not being the (legal representative of the) Student, Stichting Het Rijnlands Lyceum, the Processor, or the person(s) authorised to Process Personal Data under the direct authority of Stichting Het Rijnlands Lyceum or the Processor;
- j. Recipient: any natural or legal person, public authority, agency or other body, whether or not a Third Party, to whom the Personal Data is disclosed.
- k. Personal Data Protection Authority: the supervisory authority referred to in Section 51 AVG, which is responsible for supervising the application of the AVG;
- l. Consent: any free, specific, informed and unambiguous indication of intent with which (the legal representative of) the Student accepts, by means of a declaration or an unambiguous active act, the Processing of Personal Data relating to him/her.
- m. AVG: The General Data Protection Regulation (*Algemene Verordening Gegevensbescherming*)(EU) 2016/679.

Article 2 Scope and objective of the rules of procedure

- 2.1 These rules of procedure apply to all Personal Data of Students that is Processed by Stichting Het Rijnlands Lyceum.
- 2.2 The purpose of these rules of procedure is to:
 - a. protect the privacy of Students whose Personal Data is Processed from the misuse of such data and from the Processing of incorrect data;
 - b. prevent Personal Data from being processed for a purpose other than the purpose for which it was collected;

- c. safeguard the rights of the Students.

Article 3 Purpose of the Processing of Personal Data

The Processing of Personal Data of Students only takes place for the benefit of:

- a. the organisation or the provision of education, the support of Students or the provision of study advice;
- b. the provision of or making available of teaching materials;
- c. the calculation, recording and collection of registration fees, school and tuition fees and contributions or payments for teaching materials and extracurricular activities, including the assignment of receivables to Third Parties;
- d. handling disputes and performing audits;
- e. the enforcement or application of a statutory regulation.
- f. the special supervision of Students or the provision of special facilities in connection with their state of health.

Article 4 Processing of Personal Data

The Processing of Personal Data of Students is limited to:

- a. name, first names, initials, titles, gender, date of birth, address, postal code, place of residence, telephone number and similar that is provided for the purpose of communication, as well as bank account number of the legal representatives;
- b. the personal number;
- c. nationality and place of birth;
- d. health details of Students if this is necessary for the special supervision of those Students or for making special arrangements in relation to their health;
- e. information concerning the religion or conviction of the Student, insofar as necessary for the education;
- f. information concerning the nature and progress of education, as well as the study results attained;
- g. information with a view to the organisation of education and the provision or making available of teaching materials;
- h. information with a view to the calculation, recording and collection of registration fees, school and tuition fees and contributions or payments for teaching materials and extracurricular activities;
- i. information as referred to under a, concerning the legal representatives of Students;
- j. information other than that referred to under a to i, the Processing of which is required by virtue of or necessary for the purposes of a statutory regulation.

Article 5 The management of (the Processing of) Personal Data

Personal Data is collected in the name of the Student in combination with a Personal Number and recorded in a (digital) file.

Article 6 Provision of Personal Data

The Personal Data is only provided to:

- a. persons, including Third Parties, who are in charge of or responsible for the Processing of Personal Data of Students or who are unavoidably involved in this;
- b. others, if the (legal representative of the) Student has granted Consent for this, the Processing is necessary to comply with a statutory obligation to which Stichting Het Rijnlands Lyceum is subject and/or the Processing is necessary to protect the vital interests of the Student or another natural person and/or the Personal Data is provided for archiving in the general interest, scientific or historical research or statistical purposes;
- c. others, if the Processing is necessary for the proper performance of a public law task by an administrative body to which the Personal Data is provided and/or the Processing is necessary for the representation of the legitimate interest of Stichting Het Rijnlands Lyceum or of a third party to whom the Personal Data is provided, unless the interest or the fundamental rights and freedoms of the Student, in particular the right to privacy protection, prevails, after

- the Student is informed of the intention to do so and was given the opportunity to exercise the right to object during a reasonable period.
- d. statutory bodies such as the Child Care and Protection Board (*Raad voor de Kinderbescherming*), Youth Care Agency (*Bureau Jeugdzorg*) or the advice and reporting centre child abuse and neglect (*Veilig Thuis*). If the competent authority decides to inform these bodies, the legal representatives of the Student will be immediately informed, unless this is in conflict with the interests of the Student. This occurs when the safety of the Student or that of another is at stake or when waiting as a result of an urgent matter is irresponsible.

Article 7 Access to Personal Data

- 7.1 Notwithstanding the relevant statutory provisions, only the following have access to the Personal Data of Students:
- a) those persons, including Third Parties, who are charged with or manage the activities related to the Processing of Personal Data or who are unavoidably involved in this;
 - b) others, if the (legal representative of the) Student has granted Consent for this, the Processing is necessary to comply with a statutory obligation to which Stichting Het Rijnlands Lyceum is subject and/or the Processing is necessary to protect the vital interests of the Student or another natural person and/or the Personal Data is provided for archiving in the general interest, scientific or historical research or statistical purposes;
- 7.2 Appendix 1 to these rules of procedure describes which positions within Stichting Het Rijnlands Lyceum have been granted access to particular types of Personal Data of Students on the basis of the associated authorisation roles.
- 7.3 Those who are allowed to access the health details of Students are the care coordinator and mentors of the relevant Student.

Article 8 Security and confidentiality

- 8.1 Taking into account the state of the art, the implementation costs, as well as the nature, scope, context and the purposes of the Processing and the different risks to the rights and freedoms of individuals in terms of probability and seriousness, the Person Responsible for Processing and the Processor will take appropriate technical and organisational measures to ensure a level of security appropriate to the risk.
- 8.2 In the case of electronic Processing of Personal Data, the system administrator will, by means of encryption and password protection, give the various persons as referred to in article 7 of these rules of procedure access to certain parts of Personal Data or to all Personal Data as required by their activities.
- 8.3 Anyone who is involved in the implementation of these rules of procedure and who thereby gains access to Personal Data of Students is bound by the obligation of confidentiality. This will not apply if any statutory provision or court order obliges a person to disclose information or if the need for disclosure arises as a result of the performance of his/her duties in the implementation of these rules of procedure.

Article 9 Obligation to provide information

- 9.1 Stichting Het Rijnlands Lyceum provides (the legal representatives of) Students with the following information when Personal Data relating to the Student are collected directly from the (legal representatives of the) Student:
- a) The identity and contact details of Stichting Het Rijnlands Lyceum;
 - b) The contact details of the Data Protection Officer;
 - c) the purposes of the Processing for which the Personal Data is intended, as well as the legal basis for the Processing;
 - d) the legitimate interests of Stichting Het Rijnlands Lyceum or of a Third Party, if the Processing is based on a legitimate interest within the meaning of Section 6(1)(f) AVG;
 - e) where appropriate, the Recipients or categories of Recipients of the Personal Data;
 - f) where appropriate, that Stichting Het Rijnlands Lyceum intends to transfer the Personal Data to a country outside the EU or an international organisation;
 - g) the period of time during which the Personal Data will be stored or, if this is not possible, the criteria for determining this period;
 - h) that (the legal representative) of the Student has the right to request Stichting Het Rijnlands Lyceum to inspect, correct or delete the Personal Data or to restrict the Processing concerning him/her, as well as the right to object to the Processing and, if applicable, the right to data portability;
 - i) when the Processing is based on Consent that (the legal representative of) the Student has the right to withdraw the Consent at any time, without prejudice to the legitimacy of the Processing on the basis of the Consent prior to its withdrawal;
 - j) that (the legal representative of) the Student has the right to submit a complaint to the Personal Data Protection Authority;
 - k) whether the provision of Personal Data is a legal or contractual obligation or a necessary condition to conclude an agreement, and whether (the legal representative of) the Student is obliged to provide the Personal Data and what the possible consequences are if this data is not provided;
- 9.2 Stichting Het Rijnlands Lyceum provides (the legal representatives of) Students with the information referred to in paragraphs 1(a) to (j) of this article when the Personal Data concerning the Student is not collected from the (legal representatives of the) Student, as well as information about the source of the Personal Data and, if applicable, whether it originates from public sources.

Article 10 Rights: inspection, correction, deletion, objection, data portability

- 10.1 The (legal representative of a) Student has the right to obtain a decision from Stichting Het Rijnlands Lyceum as to whether or not to Process Personal Data relating to him/her and, if so, to inspect that Personal Data and other information. Stichting Het Rijnlands Lyceum will provide the (legal representative of a) Student with a copy of the Personal Data that is Processed.
- 10.2 The (legal representative of a) Student has the right to obtain from Stichting Het Rijnlands Lyceum immediate rectification of incorrect Personal Data concerning him/her. With due observance of the purposes of the Processing, the (legal representative of a) Student has the right to supplement incomplete Personal Data, for example by providing an additional statement.
- 10.3 The (legal representative of) the Student has the right to require from Stichting Het Rijnlands Lyceum the deletion of Personal Data concerning him/her without unreasonable delay and Stichting Het Rijnlands Lyceum is obliged to delete Personal Data without unreasonable delay when one of the following applies:
- a) the Personal Data is no longer necessary for the purposes for which it has been collected or otherwise Processed;
 - b) the Consent is withdrawn;
 - c) the (legal representative of a) Student objects to the Processing, and there are no overriding compelling justified grounds for the Processing;
 - d) the Personal Data is unlawfully Processed;

- e) the Personal Data must be deleted in order to comply with a statutory obligation resting on Stichting Het Rijnlands Lyceum;
- 10.4 The (legal representative of a) Student has the right to object at any time to the Processing of the relevant Personal Data on the basis of a public service remit (Section 6(1)(e) AVG) or a legitimate interest (Section 6(1)(f) AVG) for reasons related to the specific situation of the Student. Stichting Het Rijnlands Lyceum discontinues the Processing of the Personal Data of the Student, unless it invokes compelling justified grounds for the Processing that outweigh the interests, rights and freedoms of the Student or that are connected with the institution, exercise or substantiation of legal proceedings.
- 10.5 The Person Responsible for Processing discontinues the Processing of the Personal Data, unless it invokes compelling justified grounds for the Processing that outweigh the interests, rights and freedoms of (the legal representative of) the Student or that are connected with the institution, exercise or substantiation of legal proceedings.
- 10.6 The (legal representative of a) Student has the right to obtain the Personal Data concerning him/her, which he/she has provided to Stichting Het Rijnlands Lyceum, in a structured, common and machine-readable form, and he/she has the right to transfer this data to another educational institution, without being hindered by Stichting Het Rijnlands Lyceum, if:
(a) the Processing is based on Consent or on an agreement to which (the legal representative of) the Student is a party; and
(b) the Processing is performed by automatic means.
- 10.7 If the Processing of Personal Data takes place on the basis that such Processing is performed for direct marketing purposes, the (legal representative of a) student may also lodge an objection in writing against the Processing of the data. If use is made of this right, the Processing of Personal Data for this purpose must be immediately terminated.
- 10.8 If Stichting Het Rijnlands Lyceum doubts the identity of the applicant, additional information required to confirm the applicant's identity will be requested as soon as possible. As a result of this request, the term will be suspended until such time as the required proof has been provided.
- 10.9 Stichting Het Rijnlands Lyceum will provide the (legal representative of the) Student with information about the action taken on the request without delay and in any case within one month of receipt of the request. Depending upon the complexity of the requests and the number of requests, this time limit may be extended by a further two months if necessary. Stichting Het Rijnlands Lyceum informs the (legal representative of the) Student of such an extension within one month of receipt of the request. When (the legal representative of) the Student makes his request electronically, the information is provided electronically if possible, unless requested otherwise.
- 10.10 If Stichting Het Rijnlands Lyceum does not comply with the request of (the legal representative of) the Student, it informs the latter immediately, and at the latest within one month after receipt of the request, why the request has not been complied with, and informs him/her about the possibility of lodging a complaint with the Personal Data Protection Authority and lodging an appeal with the courts.
- 10.11 Stichting Het Rijnlands Lyceum will inform every Recipient to whom Personal Data has been provided of any rectification or deletion of Personal Data as referred to in paragraphs 2 and 3 of this article, unless this proves impossible or requires a disproportionate effort. Stichting Het Rijnlands Lyceum provides the (legal representative of the) Student with information about these Recipients if (the legal representative of) the Student so requests.
- 10.12 With respect to Students who have not yet reached the age of sixteen, the requests referred to in paragraphs 1 to 4 and 6 of this article are made by their legal representatives. The relevant information will also be communicated to the legal representatives.

Article 11 Costs

- 11.1 The provision of the information as referred to in article 9 of these rules of procedure and the provision of the communication and the taking of the measures as referred to in article 10 of these rules of procedure will be free of charge.
- 11.2 If requests from a (legal representative of a) Student are obviously unfounded or excessive, especially because of their repetitive character, Stichting Het Rijnlands Lyceum may either:
- (a) make reasonable charges, in view of the administrative costs of providing the information or communication requested and of taking the measures requested; or
 - (b) refuse to comply with the request.

Article 12 Retention periods

- 12.1 Personal Data will not be kept for longer than is necessary to achieve the purpose for which it was collected. The following retention periods will in any case be considered reasonable:
- a) Personal Data of (a legal representative of) a Student will be deleted no later than two years after the study has been completed, unless the Personal Data is necessary to fulfil a statutory retention obligation.
 - b) Personal Data of (a legal representative of) a Student on the website of Het Rijnlands Lyceum or an affiliated school will be deleted without delay at the request of the Data Subject or his/her legal representative.

Article 13 Former Students

- 13.1 Stichting Het Rijnlands Lyceum may decide to proceed with Processing in respect of former Students, to the extent that Processing only takes place to:
- a) maintain contact with the former Students;
 - b) send information to the former Students;
 - c) calculate, record and collect contributions and gifts, including the transfer of claims to Third Parties, as well as other internal management activities;
 - d) handle disputes and perform audits.
- 13.2 The Processing of Personal Data is limited to:
- a) name, first names, initials, titles, gender, date of birth, address, postal code, place of residence, telephone number and similar that is required for the purpose of communication, as well as bank account number of the former Student;
 - b) information concerning the nature of the study and the period during which the former Student received training;
 - c) information with a view to calculating, recording and collecting contributions and gifts.
 - d) an administration code that contains no information other than that referred to under a to c.
- 13.3 The Personal Data is only provided to:
- a) those persons, including Third Parties, who are charged with or manage the activities referred to in the second paragraph or who are unavoidably involved in this;
 - b) others, if the (legal representative of the) Student has granted Consent for this, the Processing is necessary to comply with a statutory obligation to which Stichting Het Rijnlands Lyceum is subject and/or the Processing is necessary to protect the vital interests of the Student or another natural person and/or the Personal Data is provided for archiving in the general interest, scientific or historical research or statistical purposes;
- 13.3.1 The Personal Data will be deleted upon request to that effect by the former Student or upon his/her death.

Article 14 Provision of information to divorced parents

- 14.1 If divorced parents jointly exercise parental authority over their children, Stichting Het Rijnlands Lyceum must provide information to both parents. Stichting Het Rijnlands Lyceum may not provide information to Third Parties without the Consent of both parents. As referred to in article 6d, statutory bodies such as the Child Care and Protection Board (*Raad voor de*

Kinderbescherming), Youth Care Agency (*Bureau Jeugdzorg*) or the Advice and Reporting Centre Child Abuse and Neglect (*Advies- en Meldpunt Kindermishandeling*; AMK) are an exception to this. If Stichting Het Rijnlands Lyceum decides to inform these bodies, both parents will be immediately informed, unless this is in conflict with the interests of the relevant Student. This occurs when the safety of the Student or that of another is at stake or when waiting as a result of an urgent matter is irresponsible.

- 14.2 Even if a parent does not have parental authority, Stichting Het Rijnlands Lyceum must inform the parent, if he/she so requests, about important facts and circumstances affecting the child or their care or education. An exception can be made to this if this provision of information is not in the best interests of the Student, at the discretion of Stichting Het Rijnlands Lyceum.

Article 15 Complaints

- 15.1 If (the legal representative of) the Student considers that the provisions of the AVG as elaborated in these rules of procedure are not complied with by the institution, he/she should contact Stichting Het Rijnlands Lyceum.
- 15.2 If the complaint submitted does not lead to a result that is acceptable to (the legal representative of) the Student, he/she may contact the Personal Data Protection Authority.

Article 16 Entry into force and citing title

These rules of procedure may be cited as privacy rules of procedure for the Processing of Student Data and come into effect on 25 May 2018.

The rules of procedure have been adopted by Stichting Het Rijnlands Lyceum and replace any previous versions.

Appendix 1

List of the persons who have access to the Student Register of (name of institution) as referred to in article 7(2) of these rules of procedure:

Position and reason for use	Access to which particular Personal Data
Teachers → for processing and consulting Student Personal Data	Information from the Student files
Mentors/Student supervisors → for consulting Personal Data and management information	Information from the Student files and the management information system
Directors/(care) coordinators/department management → for consulting Personal Data and management information	Information from the Student files and the management information system
Staff/Head of the Accounts department → for processing and consulting Personal Data and making queries for management information	Information from the Student files and the management information system
Manager of financial accounts department → for consulting management information	Information from the financial management information system
Finance department staff member → for processing and consulting Personal Data and making queries for management information	Information from the Student file and the financial management information system

This Appendix was last amended on 20 February 2018.

Explanation of the privacy rules of procedure

On 19 November 2003, the education sector and the Minister of Education, Culture and Science signed the 'Protecting pupil, participant and student data at schools and institutions' covenant. The covenant is the result of a wish expressed by the Upper House of the Dutch Parliament during the discussion of the Education Number Act to pay extra attention to the protection of the Personal Data of Students now that a personal number has been added to the administration (see Explanation 29/30 • 22 • 10 December 2003).

In the covenant it has been agreed with the administrative and management organisations to ensure that model rules of procedure are drawn up for each education sector that can be used for each school or institution for the handling of the Student Data present at the school or institution (article 4 of the covenant).

A number of administrative and management organisations in the primary and secondary education, i.e. Besturenraad, Bond KBO and Bond KBVO, Concent, VBS, VGS and VOS/ABB, have jointly drawn up the original version of the present model privacy rules of procedure. The model was submitted to the Personal Data Protection Authority (then still the Dutch Data Protection Authority (*College Bescherming Persoonsgegevens*)) for review. The model was last updated by Louwers IP|Technology Advocaten in February 2018.

The model does *not* apply to Personal Data of Staff of Stichting Het Rijnlands Lyceum. Please refer to the Privacy Rules of Procedure for the Processing of Personal Data of Staff in primary and secondary education.

For general information about the Processing of Personal Data, please refer to the websites of the Personal Data Protection Authority (autoriteitpersoonsgegevens.nl) and the Ministry of Justice and Security (www.justitie.nl). For the text of the AVG and the text, please refer to the website of the European Union (eur-lex.europa.eu/legalcontent/NL/TXT/PDF/?uri=CELEX:32016R0679&from=NL).

Explanation of articles

Article 1 General Definitions

Most of the definitions are directly derived from Section 4 AVG.

Personal data

All information about an identified or identifiable natural person; in this case, the (legal representative of) the Student. An identifiable natural person is one who can be identified, directly or indirectly, in particular by means of an identifier such as a name, an identification number, location data, an online identifier or by one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;

The sensitive nature of some Personal Data implies that its Processing poses a greater risk with regard to the protection of the privacy of (the legal representative of) the Student. In the AVG, this type of Personal Data is referred to as special categories of Personal Data. A stricter regime applies to the Processing of these categories than to ordinary Personal Data (see Section 9 AVG).

Special Personal Data is all Personal Data that provides information about a person's:

- racial or ethnic origin;
- political opinions;
- religious or philosophical beliefs;
- membership of a trade union;
- genetic information;
- biometric data for the unique identification of a person;
- health data;
- Information relating to a person's sexual behaviour or orientation.

There is also a similar statutory regime for the Processing of:

- Personal data relating to criminal convictions and offences or to related security measures;

- Citizen service numbers.

The basic principle of the AVG is that special categories of Personal Data may not be Processed. The AVG has a number of general and a number of specific exceptions to this prohibition. For example, the prohibition on Processing data about a person's religion or philosophy of life does not apply to special schools (Section 9(2)(d) AVG and Section 22(2)(c) AVG Implementation Act).

Personal number

For education, the unique number for each Student is called 'Personal Number' (*Persoonsgebonden nummer*, PGN). In almost all cases, the old tax and national insurance number is used for the PGN. The tax and national insurance number is no longer used and has been replaced by 'Citizen Service Number' (*Burgerservicenummer*). If a Student does not have a Citizen Service Number, previously a tax and national insurance number, a replacement number is assigned to the Student. This replacement number is referred to as the 'individual education number' (*onderwijsnummer*).

The Personal Numbers in Education Act stipulates that each Student be given a unique number. The education institutions use this number in their communication with other education institutions, the municipality and the central government for the purposes described in the legislation.

The introduction of the personal number (PGN) is based on the Education Number Act (*Wet Onderwijsnummer*, WON). This Act was adopted by the Upper House of the Dutch Parliament on 4 December 2001. The full name of this legislation reads as follows: Amendment of a number of education laws in connection with the introduction of a personal number in education.

The Royal Decree of 1 December 2005 on the entry into force of the Act was published in the Official Gazette 2006-17 http://www.pgno.nl/po/maxidoc/uploaded_maxidoc/pdf/inwPO.pdf.

With effect from the end of 2006, schools must report a Student's PGN on his or her deregistration certificate. Schools must also use the PGN in their communication with the municipality in the context of compulsory schooling. The municipality uses the PGN exclusively for the purpose of registering school-age young people in the interest of supervising compliance with the Compulsory Education Act (*Leerplichtwet*) 1969. In the current phase of the introduction process, the use of the PGN for a school means that this involves the Citizen Service Numbers (BSN), formerly tax and national insurance numbers of the Students insofar as they are present in the Student Administration. Inclusion of Citizen Service Numbers of (current) Students as much as possible should ensure that there will be fewer problems in later phases. Although the vast majority of Students have a BSN, a relatively small group of Students do not. At a later stage, Students from this group will receive an individual education number issued by the Education Executive Agency (*Dienst Uitvoering Onderwijs*) that cannot be distinguished from a Citizen Service Number with the naked eye. For more information, please refer to www.pgnpn.nl and www.pgno.nl.

Person Responsible for Processing

In the AVG, a Person Responsible for Processing is defined as a natural or legal person, public authority, service or other body that determines, alone or jointly with others, the purposes and means of the processing of personal data. For the purposes of these rules of procedure, the Person Responsible for Processing is Stichting Het Rijnlands Lyceum or a school affiliated to it. Both legal entities may also be jointly the Person Responsible for Processing.

Processor/Processing

The Processor is the party that processes Personal Data on the instructions of the Person Responsible for Processing and does not itself control the Personal Data.

Processing is a very broad concept. For example, Processing applies if Personal Data is stored or retrieved, but also if Personal Data is collected, changed, consulted, protected or erased. Examples of organisations that fulfil a Processor role are software vendors, education agencies, or administration offices.

If Personal Data is Processed by a Processor, a written Processor Agreement must always be concluded before the Personal Data is Processed. Section 28(3) AVG sets out in detail which subjects must be included in a Processor Agreement.

Data Subject

The person whose Personal Data is Processed is referred to as the Data Subject. In this case, the Data Subject concerns (the legal representative of) the Student. He or she has a number of rights by virtue of the AVG, such as the right to inspect, correct and delete his or her Personal Data, as well as the right to object to the Processing of his or her Personal Data and in some cases the right to data portability.

With respect to Students who have not yet reached the age of sixteen, the requests are made by their legal representatives.

Personal Data Protection Authority

The Personal Data Protection Authority, as a body independent of the government, ensures that Personal Data is used and secured with care and that the privacy of natural persons in the Netherlands and Dutch citizens is safeguarded.

If an organisation fails to comply with the AVG, the Personal Data Protection Authority may take measures. For example, the Personal Data Protection Authority may impose warnings, binding instructions and a temporary or final Processing prohibition. An administrative enforcement order or an order subject to a penalty and/or fine may also be imposed.

Article 3 Purpose of the Processing of Personal Data

Organisations may only collect Personal Data for specified, explicit and legitimate purposes and Personal Data may not be further Processed in any way incompatible with those purposes. The purpose must be determined in advance, thus before the collection of the data commences. They may also not collect more data than is strictly necessary for that purpose. But also not less if this leads to incomplete information. However, organisations may Process Personal Data for several purposes at the same time. These purposes must however be described in advance.

For example, the data that a school has included in its Student file may be used to record the number of Students that have successfully completed the school's education. However, the school is not allowed to sell this Personal Data to a company. In this case, the purpose for which the data was obtained is not compatible with the way in which it is Processed further.

Health data (article 3(f) of these rules of procedure)

This section provides for a limited exception for schools to process health data. This concerns the education for Students who need special supervision or for whom special arrangements need to be made because of their state of health. In order to meet this objective, schools need to be able to record health data. The requirement of necessity implies that only health data of Students who, due to their state of health, are eligible for the special supervision or facility referred to here may be processed. Processing of health data of other Students is not allowed. Furthermore, processing may only take place to the extent necessary for that purpose. This not only imposes limits on the nature and scope of the data that may be processed, but also on the circle of persons who may access this data within a school.

Article 4 Processing of Personal Data

This article describes in more detail which data is Processed within the framework of the purpose of the Student Register.

In principle, the personal number can be qualified as an administration number. The use of the personal number is, however, subject to strict statutory regulations. The use of the personal number as administration code for your own registration is therefore not permitted. The personal number should therefore not appear on lists with Student data for all kinds of purposes, such as, for example, the composition of classes/groups.

Only children of parents who pay tax in the Netherlands and/or are (or may be) entitled to social security benefits have a Citizen service number. However, it is also possible to register children without official residence status without any concerns about funding. The child in question will be assigned an Individual education number by the DUO (at a later stage).

Article 6 Provision of Personal Data

Providing Personal Data to others includes any form of publication or provision of Personal Data, regardless of the manner in which this is done. The provision may be made orally, in writing or by electronic means. Take account of the fact that the provision must take place in a safe and reliable manner.

The provision by means of transmission is also included under the term 'Processing' within the meaning of Section 4 AVG and must therefore comply with the requirements of Processing. This means that the Personal Data may not be used by the person to whom they are provided for incompatible purposes, other than the purposes for which the Personal Data has been collected.

Stichting Het Rijnlands Lyceum provides Personal Data to various other parties including, for example, the IBG, DUO or the accounts department. Some of these parties may be regarded as Person jointly Responsible for Processing or Processor and others only as Recipient. It is essential to be constantly aware of the role of the party to whom the Personal Data is provided, so that it can be determined whether it is necessary to make additional arrangements with these parties. After all, a Processor Agreement must be concluded with a Processor. In addition, it is also advisable to make contractual agreements with Persons jointly Responsible for Processing, with whom Personal Data is often exchanged.

Article 6(d) has been added on the recommendation of the National Complaints Committee.

Most important principles for the provision of Personal Data

You may disclose Personal Data to, among others, Third Parties if this is necessary to comply with a statutory obligation or if this is necessary to protect the vital interests of a Student or another natural person. The latter includes issues of life or death. This will almost never happen therefore.

Consent from (the legal representative of) the Student is also a basis for providing Personal Data to Third Parties. If the Student has not yet reached the age of sixteen, his or her legal representative's Consent is required. Therefore please note that Students above the age of sixteen must give Consent themselves. Consent may be withdrawn at any time. As a result, the basis for the provision of Personal Data will lapse and the provision of Personal Data will be unlawful from that moment on. If the provision has already been made for this purpose, the provision did take place legitimately. The consent of the (joint) participation council for a particular provision does not replace the individual Consent. If you request Consent, it must be clear and understandable to the (legal representative of the) Student to which party the Personal Data is provided, which Personal Data is involved and for which purpose(s) the data is provided. The Consent must also be unambiguously granted. This means that an active action is required. Simply offering an opt-out option is therefore not enough.

Where the sharing of special categories of Personal Data (including health data) is concerned, the Consent must comply with more stringent requirements.

Since Stichting Het Rijnlands Lyceum must demonstrate that the required Consent has been obtained, it is advisable to obtain Consent in writing and to keep the relevant forms safe.

Practical example

You may not use Personal Data for any purpose other than that for which it was collected. For example, as a school director, you may not simply provide the (parents of) other Students with the telephone number and home address of a Student obtained at the time of enrolment. If (the legal representative of the) Student in question has granted Consent for this, you may provide the Personal Data, provided that the Consent obtained meets all statutory requirements. In that case, the Processing (the provision) of this Personal Data has an independent basis.

Article 7 Access to Personal Data

Transparency guarantees privacy. It is necessary to clearly indicate who has access to the Personal Data. As a rule, these are members of staff of Stichting Het Rijnlands Lyceum. Access is understood to mean access to Personal Data.

Paragraph 1 specifies the situations in which different persons/parties may gain access to the Personal Data. This is difficult to put into practice in general rules of procedure. Examples include the granting of access to the Student Administration to police services for the detection of criminal

offences and to the Municipal Health Service (GGD), which may retrieve information from the Student Administration in case of the outbreak of an epidemic.

Paragraph 2 concerns members of staff and the creation of a register of those who have access to the Student Register. Members of staff have access to such authorised categories of data as are necessary for the performance of their duties.

As far as the permitted Members of Staff/officials are concerned, roughly five groups can be distinguished (see also Appendix 1):

- those who are responsible for teaching (teachers);
- those who are responsible for supervising Students (mentors or Student supervisors);
- those who supervise the teaching and/or supervision of Students (management, (care) coordinators and/or the head of department)
- those responsible for performing the Processing (e.g. Stichting Het Rijnlands school administration);
- or those who are “necessarily involved in the supervision of Students” (e.g. the school worker or the school psychologist).

For special categories of Personal Data, as referred to in the explanation of Personal Data (article 1), (even) stricter requirements obviously apply. It will be clear that access to health data of a Student, for example, is more limited. This data is only accessible to those who are necessarily involved in the supervision of the Students and those who are in charge of the supervision. In practice, this means: the school management and the care coordinator, and possibly the Student Counsellor in the school. The social worker, who is attached to the school, can also be granted access to (part of) this data. A limited part may be accessible to mentors (data from, for example, intelligence research or the school questionnaire). In general, the mentor will not have a right of access to all data, as this is not necessary for the performance of his duties.

Others will only be granted access to the Personal Data if:

- the (legal representative of the) Student has granted explicit Consent for this;
- the Processing is necessary for the fulfilment of a statutory obligation by the education institution;
- the Processing is necessary for the protection of the vital interests of the Student or another natural person (for example, an urgent medical need; or
- the Processing is necessary for reasons of public interest in the field of public health, such as protection against serious cross-border health threats (e.g. in the event of an outbreak of an epidemic).

Article 8 Security and confidentiality

Personal Data must be Processed in a manner that ensures appropriate security and confidentiality of that data, also to prevent unauthorised access to or use of Personal Data.

Security

In order to guarantee security, Stichting Het Rijnlands Lyceum must assess the risks inherent in the Processing and take measures to limit those risks. Such measures must ensure an appropriate level of security, including confidentiality, taking into account the state of the art and the costs of implementation in relation to the risks and the nature of the Personal Data to be protected. Examples include the pseudonymisation and encryption of Personal Data, logging, the use of firewalls and anti-virus software, the use of access badges, etc.

If you engage a Processor for the Processing of Personal Data (for example, for your payroll administration or for hosting your systems), Stichting Het Rijnlands Lyceum remains responsible for ensuring that the Processors also take suitable security measures. It is therefore important to make proper agreements with the Processor concerned in this respect.

Confidentiality

Stichting Het Rijnlands Lyceum as well as the Processors it hires must guarantee that the persons authorised to process the Personal Data have undertaken to observe confidentiality.

Article 9 Obligation to provide information

All organisations that process Personal Data have an obligation to provide information to the Data Subject. This means that they must inform the Data Subject what they intend to do with his/her Personal Data. Stichting Het Rijnlands Lyceum or a school affiliated to the Stichting should inform the (legal representative of) Student on its own initiative which Personal Data it is processing and why.

Stichting Het Rijnlands Lyceum or a school affiliated to the Stichting can make this known by including a specification of the Processing on the website and/or in the school handbook and by referring to the specification on the website and/or in the school handbook on forms on which data is requested. It is recommended that the rights of the persons involved (right of access, correction, deletion, objection; described in articles 10 and 14 in these rules of procedure) be explicitly included in this information and that the procedural agreements (to whom a request or complaint can be submitted) be stated on the website and/or in the school handbook. In addition to a comment in the school handbook and on the website, when registering new Students it is advisable to draw attention to the fact that Stichting Het Rijnlands Lyceum maintains a Student Administration and a Student Tracking System (including care details) and what the purpose of this is. These measures (enrolment, school handbook and website) do not stipulate that a Student may be discussed in consultations with Third Parties.

The obligation to provide information applies when Personal Data is collected by means of, for example, a form or via the internet. The obligation to provide information also applies when the data are obtained through Third Parties, unless the provider of the data has already informed (the legal representative of) the Student or unless the obligation to provide information leads to disproportionate efforts. This is the case, for example, when it is very time-consuming to discover the address of the (legal representative of) the Student and advertising does not provide sufficient guarantees.

Article 9 describes in detail all the information that has to be provided.

Article 10 Rights: inspection, correction, deletion, objection, data portability

Anyone may ask at reasonable intervals whether and, if so, what Personal Data Stichting Het Rijnlands Lyceum Processes in respect of them. If (the legal representative of) the Student excessively makes such a request to Stichting Het Rijnlands Lyceum, there is no need to comply with this.

Inspection request

The (legal representative of the) Student has the right to obtain a decision from Stichting Het Rijnlands Lyceum as to whether or not to Process Personal Data relating to him/her and, if so, to inspect that Personal Data and the following information:

- the Purposes of the Processing;
- the categories of Personal Data concerned;
- the recipients or categories of recipients to whom the Personal Data have been or will be disclosed, in particular recipients in countries outside the EU or international organisations;
- if possible, the period during which it is expected that the Personal Data will be stored or, if that is not possible, the criteria for determining this period;

- that (the legal representative of) the Student has the right to request Stichting Het Rijnlands Lyceum to correct or delete Personal Data, or to restrict the Processing of Personal Data concerning him/her, as well as the right to object to this Processing;
- that (the legal representative of) the Student has the right to submit a complaint to the Personal Data Protection Authority;
- if the Personal Data is not collected from (the legal representative of) the Student, all available information about the source of that data;
- When Personal Data is transferred to a Third country or an international organisation, the (legal representative of the) Student has the right to be informed of the appropriate safeguards in place for the transfer.

Stichting Het Rijnlands Lyceum will provide the (legal representative of the) Student with a copy of their Personal Data that is Processed.

If (the legal representative of) the Student makes his/her request electronically, and does not request any other arrangement, the information is provided in a common electronic format.

Correction request

The (legal representative of the) Student has the right to obtain from Stichting Het Rijnlands Lyceum immediate rectification of incorrect Personal Data concerning him/her. He or she must indicate the desired changes in this respect. Correction means improvement or supplementation.

Stichting Het Rijnlands Lyceum is only obliged to correct the Personal Data if the data is factually incorrect or incomplete. If Stichting Het Rijnlands Lyceum refuses to comply with this request, the (legal representative of the) Student is entitled to provide an additional statement. This additional statement will be kept in the Student File.

Deletion request

In addition to the right of correction, the (legal representative of) the Student also has the right to delete Personal Data. The Personal Data does not have to be deleted in all cases. Indeed, in some cases Stichting Het Rijnlands Lyceum will even be legally obliged to retain the data for a longer period of time. Article 10.3 states in which cases the Stichting Het Rijnlands Lyceum may delete a deletion request.

Right of objection (objection to data processing)

The (legal representative of a) Student may at all times submit specific facts and circumstances on the basis of which his Personal Data may not be Processed, if and to the extent that Processing of Personal Data concerning him/her takes place on the basis of a public service remit (Section 6(1)(e) AVG) or a legitimate interest (Section 6(1)(f) AVG). Stichting Het Rijnlands Lyceum must then once again weigh up its own interests in the Processing against the rights and freedoms of the (legal representative of a) Student.

Data portability

The right to data portability means that (the legal representative of) a Student has the right to receive the Personal Data that he has provided to Stichting Het Rijnlands Lyceum in a structured, common and machine-readable form and to transfer it or have it transferred to another school or organisation.

Persons Involved are only entitled to the portability of their data if the following requirements are met:

1. Personal Data must be Processed by automated means (i.e. the law does not apply to paper files); and
2. The Processing must be based on the Consent of (the legal representative of) the Student or an agreement to which (the legal representative of) the Student is a party.

In order to be able to comply with such requests from (the legal representative of) the Student, proper arrangements will have to be made with IT service providers.

Response times

Stichting Het Rijnlands Lyceum will provide the (legal representative of the) Student with information about the action taken on the request in any case within one month of receipt of the request.

Depending upon the complexity of the requests and the number of requests, this time limit may be extended by a further two months. Stichting Het Rijnlands Lyceum informs the (legal representative of the) Student of such an extension within one month of receipt of the request.

If Stichting Het Rijnlands Lyceum does not comply with the request of (the legal representative of) the Student, it informs the latter immediately, and at the latest within one month after receipt of the request, why the request has not been complied with, and informs him/her about the possibility of lodging a complaint with the Personal Data Protection Authority and lodging an appeal with the courts.

Article 11 Costs

In principle, no costs may be charged for the requests as referred to in article 10 of the rules of procedure. In the case of a request for inspection, administrative costs may only be charged when (the legal representative of) the Student requests additional copies.

Administrative costs may also be charged if the requests from the (legal representative of the) Student in question are manifestly unfounded or excessive. In that case, requests may also be refused.

Stichting Het Rijnlands Lyceum must then demonstrate the manifestly unfounded or excessive nature of the application.

Article 12 Retention periods

Personal Data may be kept only for as long as is necessary for the purposes for which it was collected or for which it is used. Stichting Het Rijnlands Lyceum determines on the basis of the purpose how long it will be necessary to retain the data in question. Article 12 of the rules of procedure states which retention periods are in any case considered reasonable.

Other retention periods

The Funding Decree (Section 9 of the Primary Education Act and Section 6 of the Secondary Education Act) stipulates that the data from the Student Administration must be kept for at least five years after the Student in question has been deregistered from Stichting Het Rijnlands Lyceum.

The data of *former Students* as referred to in Article 13 of these rules of procedure are only deleted upon request.

Processing of Personal Data for the purposes of the Compulsory Education Act by Stichting Het Rijnlands Lyceum will be deleted no later than two years after compulsory schooling has ended.

If Personal Data is Processed for the purpose of reimbursing the costs associated with *Student transport*, as referred to in the Primary Education Act and the Expertise Centres Act, the Personal Data must be deleted at the latest two years after the end of the school year to which the reimbursement relates.

In the event of an *objection, complaint or legal procedure*, the Personal Data must be deleted no later than two years after the relevant procedure has been completed, unless a longer statutory obligation to retain must be complied with.

Document management

The data collected for the purpose of recording the receipt, treatment and settlement of documents by Stichting Het Rijnlands Lyceum is deleted no later than five years after the data concerned was recorded.

Video camera surveillance

Supervision for the security of persons, buildings, grounds, business and production processes entrusted to the care of Stichting Het Rijnlands Lyceum, with clearly visible video cameras, must also comply with the AVG. The Personal Data Processed in this context will be deleted no later than four weeks (in the case of a school day) after the recordings have been made, or after the incidents observed have been dealt with.

Article 14 Provision of information to divorced parents

This article has been added on the recommendation of the National Complaints Committee.

Article 15 Complaints

Possible legal proceedings and sanctions by the Personal Data Protection Authority can be prevented by first following a complaints procedure.