HOW UNIVERSITIES CAN PREPARE FOR THE GDPR

E-BOOK

FULL FABRIC

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"The GDPR is bringing a level of consistency and harmonisation to thinking of how we go about processing personal data [...] Fundamentally, it's going to change the way we think about how we process personal data – but also it's going to have a huge impact on culture."

Ardi Kolah, LL.M speaking at our conference
The Impact of the GDPR in Higher Education
on 22 June 2017.

Technology is changing the way we live in every conceivable way.

As we move in an ever more digital direction, the security of our personal data becomes more and more important. To ensure EU citizens' online safety and reflect modern internet usage, the EU Parliament has approved a new General Data Protection Regulation (GDPR).

The new law, which some have labelled 'the most important change in data privacy regulation in 20 years', comes into effect as of May 25th 2018. The new legislation will mean businesses, organisations and learning institutions will need to make considerable changes the way they store EU citizens' personal data and perform direct marketing.

The GDPR was published on May 4th 2016. A key summary of the major changes is available here. The new regulation will replace the existing Data Protection Act in all of the EU's member states as of May 25th 2018 and places much stricter rules on how public data can be collected, managed and processed. Non-compliant organisations could be fined as much as €20 million or 4% of global annual turnover.

The EU Government considers the GDPR an essential step in strengthening citizen's fundamental rights in the digital age. It essentially limits the ways businesses can capture and store EU citizens' data. It allows individuals to object to certain processing and gives them the right to have their personal data corrected or deleted and its use restricted.

Universities need to act now to ensure they are compliant by this date: preparation and early adoption will make the transition much smoother and easier. In order to comply, universities must be able to prove that:

- they are keeping personal data secure and protected;
- they have appropriate governance and controls in place;
- they use data in a transparent, appropriate, fair and permitted way;
- they have measures to minimise errors and correct inaccuracies;
- they have acquired explicit consent from the individuals themselves.

About this e-book

This ebook outlines the ways the EU data protection laws are changing, how universities will need to update their data storage policies in order to be compliant and how software can help institutions abide by the regulations.

It also contains content from our conference The Impact of the GDPR in Higher Education, which was held on June 22nd 2017 at Imperial College London as part of London Edtech Week. Experts from higher education, law and technology discussed how universities can prepare for the regulation and how direct marketing and academic research may be impacted.

You'll find guidance and recommend resources from our expert speakers throughout the ebook. **Full videos of each presentation** can also be viewed online.

What universities can do to prepare

It's a good idea to review guidance from the Information Commissioner's Office (ICO), the body which will be enforcing the regulation in the UK. The office's **12-step guide to preparing for the GDPR** is a good place to start.

There are seven main steps a university should take to ensure its data processes are compliant.

Raise awareness

The change in data law won't just affect your IT staff but any department which collects or stores data, which will likely include marketing, admissions, fundraising, student engagement and alumni relations, among other departments. As such, a university's GDPR preparations need to involve every staff member who collects or processes data. Staff will require training to make sure they understand the GDPR and the risks of noncompliance.

"Training is definitely the first line of defence. If you don't train your staff who are processing personal data, it is a breach."

Ardi Kolah, LL.M

Assign a Data Protection Officer (DPO)

Having a designated DPO in place will make your university's preparations a lot easier, and may even be a legal requirement. The GDPR states that you must appoint a DPO if you:

- are a public authority (except for courts acting in their judicial capacity);
- carry out large scale systematic monitoring of individuals (for example, online behaviour tracking); or
- carry out large scale processing of special categories of data or data relating to criminal convictions and offences.

A DPO can take the lead on GDPR training, oversee a smooth transition and act as a point of contact for others within a university.

Perform a data audit

Perform a thorough audit of the data you already hold, where it came from, whether consent was given and who it's shared with. The GDPR has an accountability principle which requires a university to be able to prove how it complies with its data protection values.

For guidance, see **TaylorWessing's data audit checklist**.

Review privacy notices

Under the GDPR, there are some additional details you must tell individuals when obtaining their personal data: the legal basis for processing the data; the retention period; and the individual's right to complain to the Information Commissioner's Office if they think there's an issue with the way you're handling their personal info.

This is usually communicated by way of a privacy notice. Review yours to make sure they cover everything they need to.

Review consent

It's currently common practice for companies to ascertain individuals' consent to store their data by way of an 'implicit action'. An example of an implicit action may be completing an online purchase; submitting details on an online form; submitting details to use public Wi-Fi; or subscribing to a newsletter.

Once the GDPR is enforced, all of these practices will be forbidden. Organisations must be able to prove that declarations of consent to be active, informed, unambiguous and written in language that's easy to understand. Subjects need to know exactly what they're agreeing to and what their rights are, how their data will be stored and for how long.

"The standard of consent is higher than it was under the [Data Protection Act]. When you're obtaining someone's consent, you have to be really clear about informing them what they're consenting to. Then you have to be really very clear in making sure that they give you a statement or an affirmative action that they are agreeing to what you're asking them to agree to. That means no more opt-out tick boxes."

"Any consent that you have [on record] prior to the GDPR will have to hit the standard of GDPR consent come 25th May 2018. Review what you've got, and if it doesn't hit that bar of GDPR consent, then you have to be thinking now about what you should do about it."

Victoria Cetinkaya

Ensure individual's rights

The GDPR gives individuals more extensive rights than the Data Protection Act. These include the right to:

- subject access
- have inaccuracies corrected
- have information erased
- prevent direct marketing
- prevent automated decision-making and profiling
- data portability

Make sure everyone working on your university's GDPR preparations understand what these rights mean and how your university will protect them and ensure that an individual will be able to enact them.

Plan for a breach

Plan for the unexpected. Several large organisations have been hit by severe and very public data breaches in recent times, including the NHS, Sony Playstation and TalkTalk. Large data breaches are becoming increasingly common and, under the GDPR, will hold monumental fines at stake.

In addition to the financial impact, a breach also has a huge effect on an organisation's reputation. Reputation is crucial for a learning institution. A university's reputation is how it attracts students and faculty, inspires trust and stays in step with its competitors in its – it's essential to an institution's every function.

The GDPR emphasises the need for organisations to prepare data impact assessments for any processes that may be risky. Any organisation which suffers a data breach which creates a risk to the affected individuals must inform the ICO within 72 hours.

"How long do we have as an organisation [to let those affected know] there's been a personal data breach? 72 hours. What's the average length of time for an organisation to know it's had a personal data breach? 138 days."

Ardi Kolah, LL.M

How a CRM can help your university comply with the GDPR

A candidate relationship management system (CRM) is a software solution which allows you to save all of your data in one place, safely and securely. A modern CRM tailor-made for higher education can be a huge asset in ensuring your university complies with the GDPR. For many universities, a CRM is even the means by which an individual submits their personal data to that institution.

Here are six ways a CRM can help your university stay GDPR compliant.

Built with security in mind

"Anything you offer in the digital market, or outside of the digital market, must have data protection baked into it. Not as an add-on, but baked into it. Anything that doesn't have data protection baked into it is unlawful."

Ardi Kolah, LL.M

Because universities store so much individual data, they are realistic targets for hackers. No institution is free from the threat of a data breach.

One of the huge assets of a good CRM is that it's been designed with data protection mind. A good CRM stores data on the cloud in a secure web server, which, when deployed properly, is proven to be more secure than storing data on-premise. In addition, a good CRM will allow you to limit access to sensitive data to a list of select users which you can easily update.

Get rid of spreadsheets

Many universities make heavy use of spreadsheets to store individual's data. Some are even dependent on them and use colossal spreadsheets in their admissions process and store the data of prospective students, enrolled students, alumni and staff members.

Spreadsheets are not secure. Even if they're protected by a password, they can easily be hacked. If your university uses spreadsheets in this way, your data is at risk and you may even be in breach of the GDPR.

A good CRM will allow you to eliminate the need to store individual's data in a spreadsheet. It will allow you to store data in an ordered and secure way and do the hard work for you.

Keep records of consent

The GDPR requires you to store a record of the consent which an individual gave you when you collected their data. You could attempt to do this manually, however, the process would like by unnecessarily complicated and prone to human error.

A good CRM will automate this process and store consent records safely and securely, providing your university precise evidence of how an individual consented to having their data stored by your institution.

Privacy notices

Under the GDPR, when your university asks an individual for their personal data, you must make it clear how that data will be stored, how long for and how it will be used.

A good CRM will allow you to create privacy notices through a simple and easy process. It will also allow you to keep them up to date, which is crucial to make sure they accurately describe what your university will do with an individual's data because processes inevitably change over time.

Ensure individual's rights

The GDPR gives individuals more extensive rights than the Data Protection Act. These include the right to:
- subject access
- have inaccuracies corrected
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- prevent direct marketing
- prevent automated decision-making and profiling
- data portability

These are complicated and time-consuming things to perform manually. A good CRM will let you to automate all of these processes, allowing you to honour individuals' rights promptly and with little manual effort.

Data auditing

"The only advice I can give you is minimise the amount of that data in your systems while you can."

Lothar Fritsch

It's very common for a university to continue to store data which is no longer needed or out of date. A good CRM will allow you to audit the data you have on record and help you decide what you need to keep, what's out-dated and what you can afford to get rid of.

FULL FABRIC's modern CRM for higher education

At FULL FABRIC, we've analysed our CRM with a fine tooth comb to ensure every aspect of the solution makes it easy to comply with the GDPR. To learn more, **download our free ebook a modern CRM for higher education**.

To sum up

- Act now. With less than a year until the regulations comes into effect, it's important to start preparations as soon as possible. Although it's tempting to leave it until 2018, the stakes are simply too high and preparation is crucial.

- GDPR compliance isn't just an issue for your IT department. Every staff member who collects, processes or manages individual's data needs to audit their work processes to ensure what they're doing is lawful.

- If you're stuck or not sure what the best approach is, reach out for guidance. All universities across Europe are having to adjust in one way or another and many industry experts are happy to answer questions.

- A good CRM can help ensure your data collection, processing and storage practices are compliant. Our team of higher education experts here at FULL FABRIC are always available to discuss how tech can assist your GDPR preparations – **schedule a free consultation**.

Recommended resources

For guidance from experts in higher education, technology and law, view **the videos of our speakers' presentations** at our event The Impact of GDPR in Higher Education. **Our speakers' presentation slides** can also be viewed online.

The GDPR itself is available to view online or download.

The ICO is publishing lots of useful resources in the lead up to the GDPR. View their **12-step guide to compliance** and their **resources about data protection reform**.

Journal of Data Protection and Privacy is a quarterly publication comprising in-depth, peer-reviewed articles exploring different aspects of the regulation and how it will impact a variety of industries

Jisc has a lot of practical guidance specific to higher education.

Eugdpr.org has lots of resources including videos, legal overviews and guidance tailored towards specific industries.

About FULL FABRIC

FULL FABRIC offers an integrated software solution to help universities manage the entire student lifecycle. We work with leading universities and highly ranked business schools across the world and take pride in helping them provide a better student experience while making processes easier and more intuitive for staff members.

Our SaaS solution has been specifically designed to help universities adhere to the new GDPR guidelines. If you'd like to learn how FULL FABRIC can help your university manage the student experience, **contact us** to organise a free, informal consultation.

FULL FABRIC's CRM complies with GDPR guidelines

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