

Policy Number: BP028EN

Issue Date: June 2019

I. **About this Policy**

The American University of Paris (“AUP”, “The University”, “we”, “our”, “us”) is committed to protecting the privacy and security of your personal information (“personal data”).

This policy describes the ways AUP collects and uses your personal data while you are a student at AUP and how we maintain your personal data about your time as an active student after you complete your studies with us. This policy outlines how we address the responsibilities we hold in relation to the General Data Protection Regulation (GDPR) and related French and United States data protection laws, such as the Federal Family Educational Rights and Privacy Act (FERPA).

This policy applies to all undergraduate and graduate students, as well as visiting and non-degree-seeking students.

II. **This policy’s relation to other policies**

Separate documents exist detailing how we use personal data related to former students for fund-raising and alumni relations purposes, as well as the use of personal data for student applicants, job applicants, donors, and employees.

Additional personal data use policies will be provided when you use certain services and facilities provided by the University. For example, there are separate statements for students who use the Counselling or Disability Accommodation services.

Reading this policy and other privacy policies that we may furnish from time to time when we process your personal data is important so that you are familiar with how and why we use your personal data. This policy may be updated at any time.

III. **Definitions**

‘Personal data’ means any recorded information that is about you and that allows you to be directly or indirectly identified. Data that has been appropriately anonymized are not included in this definition because your identity has been definitively removed from the dataset.

‘Processing’ means anything that we do with your personal data, including its collection, its use in decision-making, its storage and maintenance, and its disclosure, deletion or retention.

IV. **Who Uses Your Personal Data?**

The American University of Paris is considered the “Data Controller” for the personal data processed in relation to this policy (i.e. personal data concerning your time as a student at AUP). Being the “Data Controller” means that we decide how to use your personal data and are responsible for maintaining and using it in compliance with the GDPR, FERPA and other data protection legislation.

Access to your full or partial student record and other data covered under this policy is provided to academic and support staff, who have a need or a legitimate educational interest to see it as part of their work to fulfill the purposes described in section VI. It is also shared in certain cases with third parties described in section VII.

V. **What Personal Data is Processed?**

We may process the following personal data:

- Personal details (name, address, phone numbers, email addresses, nationality, date of birth, gender, identification documents, etc.);
- Emergency contact information;

- Education and Employment information (schools you have attended and workplaces, courses completed and dates of study, etc.);
- Other background information that may be collected during the admissions process;
- Information about your progression as a student (grades, etc.);
- Immigration information (visa, passport, etc.);
- Tuition and fees payment and financial aid information;
- Placement and internship records;
- Study abroad and trip information taken as part of your studies;
- Information about your use of certain services such as the Academic Resource Center, Tutoring, Counseling and Advising;
- Information about your use of library facilities, including borrowing and fines;
- Information about your involvement in Sport and Student Government activities;
- Information about disciplinary actions, including appeals and complaints;
- Information about your use of information systems and your access to buildings;
- Your FERPA "Directory Information" (name, enrollment, college level, full-time/part-time status, major, degree earned information);
- Your FERPA "Address Information" (mailing address, email address, phone numbers);
- Your FERPA "Grade Information" (grade reports).

We may also process certain information that falls under “special categories” of sensitive personal data.

- Information about your National ID numbers for Immigration (Visa, Passport numbers, Foreigner Number) and tax purposes (US social security number, 1098T information);
- Information about your health, including disability, accommodation, and/or vaccination records;
- Information about your religious beliefs (solely in the case of processing religious liberty objections and exceptions).

VI. **How the University Uses Your Data**

The University uses your personal data for a variety of purposes, including:

- To deliver and administer your education, record the details of your studies and determine/confirm your academic achievements (e.g. grades, awards);
- To administer the financial aspects of your relationship with us and any funders (your parents, foreign governments, loan providers);
- To deliver Information Technology services to you;
- To furnish services to you (e.g. library, advising, accommodations, health, careers, etc.);
- To enable your participation at events (e.g. graduation);
- To communicate with you by email, phone, and mail;
- To provide security, disciplinary, complaint, and audit services;
- To support your medical needs, safety and welfare;
- To compile statistics and conduct surveys and research for internal and external reporting;
- To fulfill our legal obligations concerning immigration and safety;
- To contact you and others in case of an emergency;
- To meet our other obligations under FERPA, the GDPR and other applicable data legislation (i.e. consent records).

The purposes listed above are dependent upon various legal bases including:

1. *When we must meet contractual obligations we have with you*

Many of the reasons for which we process your data are in order to fulfill the obligations we have to you under our contract with you to provide your education. Personal data processed based on our contractual obligations includes the data listed in section V. We also use this basis for certain work that we conclude with a third party, including scholarship providers. See section VII for information about how we work with third parties.

2. *When we must fulfill a legal obligation*

Sometimes, your personal data is processed to meet legal obligations. Personal data processed for this purpose includes information that we must report to French and US government agencies, such as the French *Academie de Paris* and the American Department of Education (for US loan recipients).

3. *When it is necessary to achieve an activity in the public interest*
In some cases, we process your personal data in the public interest, including publicizing research activities, awarding qualifications and publication of educational materials. Generally, teaching and public outreach are tasks that we perform in the public interest so as to fulfill our role as a non-profit corporation and French association *étrangère déclarée en France comme établissement privé d'enseignement supérieur libre* promoting the advancement of learning.

4. *When we need to meet a legitimate interest*
Often, we base our processing of your data on our legitimate interests relating to student administration, alumni relations, and feedback and assessment.

For example, we may send your contact details to the University's Outreach and Alumni Affairs team to contact you about their activities.

5. *When we have your consent*
There are some situations where we will ask for your consent to collect and process your personal data. Examples include, but are not limited to, disclosure of your FERPA "Directory Information" (see section V), when we ask you to take a survey or when we ask for your permission to collect, process, and share sensitive information.

If you fail to provide the information requested for points 1 and 2 above

Not providing information in certain cases described in points 1 and 2 above means that we may not be able to meet our contractual obligations to you or fulfill our legal obligations. For example, if you do not provide payment details, we will not be able to process your payments or provide tax documents to you.

Purposes of Processing

We process your personal data for the purposes that we collected it for, unless we determine that a reasonable reason exists to use it for another purpose related to and compatible with the original purpose. In the event that we need to use your data for an incompatible purpose, we will seek your consent to use it for the new purpose.

Special Categories of Data

Certain types of data necessitate a higher level of protection. These special categories of data are considered especially sensitive. The University's main operations do not require us to process this type of data regularly but there are some cases where we do. Outside of the cases listed below, we may use these types of data in exceptional circumstances, for example, when it is necessary to protect your or another person's vital interests.

1. *National Identification Number Information (including SSN and Passport/Visa numbers)*
We will process data concerning your National Identification Numbers only when it is necessary to meet legal obligations. These legal obligations include ensuring that you meet requirements and ensuring that we provide you with appropriate tax documents, when necessary.
2. *Health Data (including disability and accommodations)*
We will process data about your health when it is required to provide accommodations for disability or when it is required to protect your vital interests or the vital interests of another person. Processing of this nature is necessary to meet contractual obligations to you (i.e. delivering your education) or to protect the vital interests of AUP community members. We may also ask for your explicit consent to process information about your health.
3. *Religious or Philosophical Belief Data (including religious objections)*
We will only process data concerning your religious or philosophical beliefs if you volunteer it and when it is necessary to accept religious objections to certain policies or otherwise needed to meet a need you are requesting.

VII. Data Sharing with Third Parties and Entities Within and Outside the European Union and European Economic Area

In order to perform our duties based on our contractual and legal obligations or our legitimate interests, we may occasionally share some of your information with parties external to AUP. These third parties may include:

- Relevant Government Agencies (*L'Académie de Paris*, The United States Department of Education, *La Préfecture de Paris*, etc.);

- Organizations that help us deliver services to you, including student surveys (the Student Health Insurance Provider, Student Housing Provider, HEDS, etc.);
- Your Financially Responsible Person or other sponsors (i.e. the funders of your education);
- *La Sécurité Sociale* and other medical providers;
- Employers or prospective employers and other educational institutions (for internships, transfer and partnership students, and for future university applications);
- External Organizations that provide services to us, such as printing services (name badges, etc.).

When information is shared with third parties, we seek to limit the amount of data shared to just what is necessary. For example, we may only share your student number and not your name, and we may share your student number after it has been encrypted. Under FERPA and the GDPR, consent may be required for sharing your information in a public manner (i.e. "directory information" [see section V]) or with third parties, unless allowed by law and/or within the constraints of this policy.

Any third party that processes data on our behalf must demonstrate that they take measures to protect your data in compliance with the law and with our policies. We never allow them to use your personal data for their own purposes. The University only allows them to process your data for the specific purposes for which we have contracted their services and in accordance with our instructions.

Transfer outside of the European Economic Area - EEA (EU plus Norway, Iceland, and Lichtenstein)

Sometimes, we transfer your data outside the EEA. This may be done to communicate with your financially responsible person, when we use a provider that is located outside the EEA, or for other reasons. In all such cases, we ensure that the following conditions are met:

1. Either the country to which the data is transferred is recognized by the EU as providing an adequate level of protection;

OR

The organization to which the data is transferred is covered by a scheme recognized by the EU as providing an adequate level of protection;

2. The transfer of personal data is governed by legally-binding contractual clauses between us and the organization receiving the information;
3. The transfer is based on one of the legal bases and is necessary:
 - a. To meet the needs of a contract with you or a contract with another person which is in your interests;
 - b. To protect the vital interests of you or another person;
 - c. To fulfill legal obligations;
 - d. To perform functions in the public interest;
 - e. To perform functions in our legitimate interest;

OR

The transfer has your explicit consent.

Transfers are typically limited situations where the transfer itself is not repeated.

VIII. Data Security and Retention

Your information and its security is important to us. As such, we have put into place multiple and appropriate measures and safeguards to protect your information.

Your data retained for the period of your education at AUP and your core academic record is retained indefinitely. After you cease to be an active student, we archive it for an applicable period or the period necessary for us to meet our obligations .

IX. Your Rights and Responsibilities

You have the right to:

- Request access to your data (commonly known as a "subject access request"). This enables you to receive a copy of your data and to check that we are lawfully processing it.

- Request correction of your data. This enables you to ask us to correct any incomplete or inaccurate information we hold about you.
- Request erasure of your data. This enables you to ask us to delete or remove your data under certain circumstances, for example, if you consider that there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your data where you have exercised your right to object to processing (see below).
- Object to processing of your data where we are processing it meet our public interest tasks or legitimate interests.
- Request the restriction of processing of your data. This enables you to ask us to suspend the processing of your data, for example if you want us to establish its accuracy or the reason for processing it.
- Request the transfer of your data to another party, subject to the conditions of applicable data portability law.
- Right to consent to the disclosure of your record and its personally identifiable information, under FERPA.

Depending on your request and its nature, we may not be able to execute what you have asked. For example, when we have a statutory or contractual requirement to process your data and it would be impossible for us to fulfill those legal requirements should we stop processing. For example, for tax purposes we may be required to continue processing your information, even if you object.

When you have given consent for a certain type of processing, you can withdraw the consent at any time. When you withdraw consent, we will stop the processing concerned as soon as possible, however, withdrawing consent does not invalidate prior processing of the information.

X. **Who to Contact and How to Complain**

If you want to exercise any of the rights above or you are unsatisfied with how we have processed your information, please contact the AUP Data Protection Oversight Committee at dataprotection@aup.edu. We will treat your request as soon as we can and may keep records of your communications with us to ensure we can resolve your request.

If you remain unsatisfied, you may lodge a complaint with the French *Commission Nationale de l'Informatique et des Libertés* (CNIL). You may also file a complaint with the United States Department of Education, particularly in relation to our obligations under FERPA.

XI. **Changes to this Policy**

This policy was last updated 24 June 2019. It is reviewed when necessary and at least once per year. Any changes will be published here and we will inform you of any substantive changes. Occasionally, we may also alert you in other ways about the processing of your data.