

## **Title: Privacy Standard**

### **1. Overview**

Privacy is related to the proper handling of personal information. Personal Information identifies or describes an entity by name or number that may be used, alone or in conjunction with any other information, to identify a specific person, including but not limited to name, address, telephone number, Social Security number (SSN), date of birth, government issued driver's license or identification number, alien registration number, government passport number, employer or taxpayer identification number, student identification number, computer Internet Protocol address or routing code and credit card number, or other credit card information. Personal information includes, but is not limited to Protected Health Information (PHI) and Personally Identifiable Information (PII).

Protected Health Information (PHI) is individually identifiable health information created, transmitted, received, or maintained by such organizations as health care payers, health care providers, health plans, and contractors to these entities, in electronic or physical form. Federal regulations require state entities that are health plans, health care clearinghouses, health care providers or entities declared as "business associates" conducting electronic transactions ensure the privacy and security of electronic protected health information from unauthorized use, access, or disclosure.

Personally Identifiable Information (PII) is any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual regardless of whether the individual is a U.S. citizen, lawful permanent resident, visitor to the U.S., or employee or contractor to the institution. Some PII is not sensitive, such as the PII on a business card, while other PII is considered Sensitive Personally Identifiable Information (Sensitive PII). Sensitive PII is personally identifiable information that if lost, compromised, or disclosed without authorization, could result in substantial harm, embarrassment, inconvenience, or unfairness to an individual, such as a Social Security number or alien number (A-number). Sensitive PII requires stricter handling guidelines because of the increased risk to an individual if compromised.

### **2. Purpose**

This Privacy Standard sets forth the Middle Georgia State University ("MGA") standard and legal notice with respect to the gathering and dissemination of personal information and with respect to compliance (where applicable) with the European Union's General Data Protection Regulation ("EU GDPR").

This Privacy Standard and Legal Notice describes the type of information MGA and its Service Providers collect, what we do with that information, and how data subjects can update and control the use of information provided to MGA.

### **3. Scope**

The MGA Privacy Standard applies to all faculty, staff, students, affiliates, and third-party service providers.

### **4. Standard**

#### **Information We Gather**

When you visit MGA web sites, we may collect certain routing information, including, but not limited to, the Internet Protocol ("IP") address of your originating Internet Service Provider ("ISP"), and information provided by "cookies" stored on your hard drive. We may also collect aggregate information about the use of the Site, including, but not limited to, which pages are most frequently visited, how many visitors we receive daily, and how long visitors stay on each page. We may disclose and publish aggregate information on an aggregate basis to any party through any means, but such aggregate information will not disclose any personal information. Any information

collected through this Site may also be used in aggregate by system administrators in the administration of the Site. This information helps us understand aggregate uses of our site, track usage trends, and improve our services. You may also be required to provide certain personal information in order to access various features and information on the Site. Such information may include, among other things, your name, address, and phone number. If you do not want to provide such information, you may choose not to access those features of the Site. Any personal information that you choose to provide through the Site will be protected in accordance with the provisions of this standard.

This standard does not necessarily describe information collection policies on non-MGA sites, such as separate sites operated by our Service Providers that we do not control. Many of the resources linked from MGA sites are not maintained by MGA. MGA cannot monitor all linked resources, only those pages that fall directly within MGA world-wide web structure. MGA is in no way responsible for the privacy practices or the content of these linked resources, and the statements, views, and opinions expressed therein are neither endorsed by nor do they necessarily reflect the opinion of MGA. Any links to non-MGA information or resources are provided as a courtesy. They are not intended to nor do they constitute an endorsement by MGA of the linked materials.

### **Cookies**

Cookies are small pieces of data that may be stored by a Web browser. Cookies are often used to remember information about preferences and pages you have visited. This information is stored for your convenience and also may be used in the aggregate to monitor and enhance the Site. For example, when you visit some sites on the Web you might see a "Welcome Back" message. The first time you visited the site a cookie may have been set on your computer; when you return, the cookie is read again. You can refuse to accept cookies, can disable cookies, and remove cookies from your hard drive. However, if you do not accept cookies from the Site, you may lose access to the Site or experience decreased performance of the Site.

### **Security and Accuracy of Confidential Information**

MGA does its best to ensure that the personal information obtained from you is accurate. You may review the information saved or submitted via the Site at any time up to the point when it is purged from the flat file or database. In the event that there is an error in your personal information, we will correct the information on your request.

We have put in place reasonable physical, technical, and administrative safeguards designed to prevent unauthorized access to our use of the information collected online. While we strive to protect your personal information by encryption and other means, we cannot guarantee or warrant the security of the information you transmit to us, and if you choose to use the Site, you do so at your own risk.

Please keep in mind that the information disclosed by you on our Site in certain forums – for example, information, including personal information, that you may provide to others on bulletin boards, through blogs or in chat rooms that may be available on the Site – can be collected and used by visitors to the Site.

### **Sharing of Information**

MGA is committed to maintaining the privacy of personal information. We do not actively share personal information we gather. However, there may be some instances in which we will need to do so as required by law (including but not limited to the Georgia Open Records Act), as necessary to protect MGA interests, and/or with Service Providers acting on our behalf. MGA also complies with the Family Educational Rights and Privacy Act ("FERPA"), which generally prohibits (with some exceptions) the release of education records without student permission. One such exemption is "directory information." FERPA defines "directory information" as information contained in the education records of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Under FERPA schools may disclose "directory information" to third parties without consent if it has given public notice of the types of information which it has designated as "directory information. In addition, FERPA gives students the right to opt-out of directory information disclosure. The type of information MGA has designated as "directory information," as well as the procedure to opt-out of directory information disclosure is defined in the FERPA FAQ on the WWW.MGA.EDU web site.

### **Questions**

If you have questions about this standard or you believe that your personal information has been released without your consent or if you wish to correct information held by MGA, please contact us at [privacy@mga.edu](mailto:privacy@mga.edu).

## **EU GDPR Privacy Notice**

### **Lawful Bases for Collecting and Processing of Personal Data**

Middle Georgia State University is an institute of higher education involved in education, research, and community development. In order for Middle Georgia State University to educate its students both in class and on-line, engage in world-class research, and provide community services, it is essential, necessary, and Middle Georgia State University has lawful bases to collect, process, use, and maintain data of its students, employees, applicants, research subjects, and others involved in its educational, research, and community programs. The lawful bases include, without limitation, admission, registration, delivery of classroom, on-line, and study abroad education, grades, communications, employment, applied research, development, program analysis for improvements, and records retention. Examples of data that Middle Georgia State University may need to collect in connection with the lawful bases are: name, email address, IP address, physical address or other location identifier, photos, as well as some sensitive personal data obtained with prior consent.

Most of Middle Georgia State University's collection and processing of personal data will fall under the following categories:

- Processing is necessary for the purposes of the legitimate interests pursued by Middle Georgia State University or third parties in providing education, employment, research and development, community programs.
- Processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract. This lawful basis pertains primarily but not exclusively to research contracts.
- Processing is necessary for compliance with a legal obligation to which Middle Georgia State University is subject.
- The data subject has given consent to the processing of his or her personal data for one or more specific purposes. This lawful basis pertains primarily but not exclusively to the protection of research subjects, providing medical and mental health services.

There will be some instances where the collection and processing of personal data will be pursuant to other lawful bases.

### **Types of Personal Data collected and Why**

Middle Georgia State University collects a variety of personal and sensitive data to meet one of its lawful bases, as referenced above. Most often the data is used for academic admissions, enrollment, educational programs, job hiring, provisioning of medical services, participation in research, development and community outreach. Data typically includes name, address, transcripts, work history, information for payroll, research subject information, medical and health information (for student health services, or travel), and donations. If you have specific questions regarding the collection and use of your personal data, please contact the Chief Privacy Officer at [privacy@mga.edu](mailto:privacy@mga.edu)

If a data subject refuses to provide personal data that is required by Middle Georgia State University in connection with one of Middle Georgia State University's lawful bases to collect such personal data, such refusal may make it impossible for Middle Georgia State University to provide education, employment, research or other requested services.

### **Where Middle Georgia State University gets Personal Data and Special Categories of Sensitive Personal Data**

Middle Georgia State University receives personal data and special categories of sensitive personal data from multiple sources. Most often, Middle Georgia State University gets this data directly from the data subject or under the direction of the data subject who has provided it to a third party (for example, application for admission to Middle Georgia State University through use of our online admissions application web app).

### **Individual Rights of the Data Subject under the EU GDPR**

Individual data subjects whose information is collected under MGA's European Union General Data Protection Regulation Compliance Standard will be provided the following information at the time the information is collected from them:

- a) information about the controller collecting the personal data;
- b) contact details for the data protection officer (if assigned);
- c) the purposes and lawful basis of the data collection/processing, including the legitimate interest for the processing (if applicable);
- d) who the recipients or categories of recipients of the personal data are;
- e) whether MGA intends to transfer personal data to another country or international organization;
- f) the period for which the personal data will be stored;
- g) the existence of the right to access, make corrections to, or erase personal data, the right to restrict or object to processing, and the right to data portability;
- h) the existence of the right to withdraw consent at any time (if applicable);
- i) the right to lodge a complaint with a supervisory authority (established in the EU);
- j) justification for why the personal data are required, and possible consequences of the failure to provide the personal data;
- k) the existence of automated decision-making, including profiling; and
- l) if the collected personal data are going to be further processed for a purpose other than that for which it was collected.

Any data subject who wishes to exercise any of the above-mentioned rights may do so by filling such request with the Data Protection Officer at [privacy@mga.edu](mailto:privacy@mga.edu).

### **Cookies**

Please see the description above of “cookies” within the Privacy Standard, which is incorporated and applies equally here in regard to the EU GDPR.

### **Security of Personal Data subject to the EU GDPR**

All personal data and special categories of sensitive personal data collected or processed by USG must comply with USG Cybersecurity Plan, as authorized by the Board of Regents Policy Manual Section 10.4 Cybersecurity: <https://www.usg.edu/policies>. Anyone suspecting that his or her sensitive personal data has been exposed to unauthorized access, report your suspicion to [helpdesk@mga.edu](mailto:helpdesk@mga.edu). Otherwise, questions concerning GDPR can be forwarded to [privacy@mga.edu](mailto:privacy@mga.edu).

We will not share your information with third parties except as necessary to meet one of its lawful purposes, including but not limited to:

- its legitimate interest;
- contract compliance;
- pursuant to consent provided by you;
- as required by law;
- as necessary to protect MGA interests; and/or,
- with service providers acting on our behalf who have agreed to protect the confidentiality of the data.

### **Georgia Open Records Act**

As an entity of the government of the State of Georgia, the USG and its institutions are subject to the provisions of the Georgia Open Records Act (ORA) except for those records that are exempt from disclosure under the ORA, The ORA provides that all citizens are entitled to view the records of state agencies on request and to make copies for a fee.

### **Data Retention**

MGA keeps the data it collects for the time periods specified in the University System of Georgia Records Retention Schedules.

## **5. Enforcement**

Violation of this policy may incur the same types of disciplinary measures and consequences as violations of other University policies, including progressive discipline up to and including termination of employment, or, in the cases where students are involved, reporting of a Student Code of Conduct violation.

## **6. References**

This standard incorporates by reference the following policies, standards and procedures:

- USG Business Procedures Manual Section 12.6
- USG IT Handbook, Section 6, "Privacy"

## **7. Revision History**

04/21/2020 – Original

10/12/2021 – Relocate section to Privacy Policy and other additions and deletions to comply with new BPM privacy section.