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REGULATION REGARDING THE PROTECTION OF PERSONAL DATA IN THE FRAMEWORK OF THE UNIVERSITY OF LIFE SCIENCES "KING MIHAI I" FROM TIMISOARA

LEGAL FRAMEWORK

This regulation is made in accordance with the provisions of Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Regulation on the Protection data), of the National Education Law no. 1/2011, with subsequent amendments and additions.

Chapter I. GENERAL DISPOSITIONS

PURPOSE, OBJECTIVES, MOTIVATION AND SCOPE

Art. 1. (1) The purpose of this regulation is to establish the internal regulatory framework involving personal data processing, as well as to establish rules of conduct to ensure a high level of protection of personal data processed by the University of Life Sciences “King Mihai I” from Timisoara , hereinafter referred to as ULST, operator.

(2) The rules of conduct establish the exercise of the rights and obligations that ULST has in the field of personal data protection, in the institution's relations with the persons concerned (as beneficiaries of the services provided), with other educational institutions, such as and with other natural or legal persons.


(3) The Regulation applies within the ULST to the processing of personal data, carried out, in whole or in part, by automated means, as well as to the processing by other than automated means of personal data that are part of a system of record or that are intended to be included in such a data record system.

(4) The rules contained in this Regulation do not affect other imperative legal or deontological obligations of ULST.

(5) The Regulation ensures the protection of the fundamental rights and freedoms of natural persons and in particular their right to the protection of personal data.

Art. 2. The general objectives regarding the protection of personal data within the ULST are:

- a) the implementation of appropriate technical and organizational measures to guarantee the rights and freedoms of natural persons;
- b) identification, analysis and realistic assessment of risks regarding personal data;
- c) implementing and ensuring plans and measures in case of emergency situations;
- d) reduce the negative impact of some potential risks regarding the protection of personal data on the institution's activity;
- e) increasing the competitiveness of services through the use of high-performance technologies and equipment for the activity regarding the protection of personal data;
- f) permanent training and development of the professional skills of employees regarding the protection of personal data;
- g) increasing awareness of the importance of personal data protection;

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h) ensuring and fully fulfilling the requirements regarding the protection of personal data.

Art. 3 (1) The motivation for which ULST collects personal data relates to the processing of information on the basis of which coherent and correct decisions can be made in the management of the university.

(2) Natural persons are obliged to provide a series of mandatory data (information about the identity of the person as well as the parents or legal representatives), these being necessary in order to develop/initiate legal relations with the university, in compliance with the legal provisions (for example: those regarding the relationship with employees or those regarding enrollment in studies or those regarding the record of school results or study documents). In case of refusal to provide these data, the university may refuse to initiate legal relations, as it may be unable to comply with the requirements of special regulations in the educational field, and in the case of employees, the provisions of labor law and tax law.

(3) ULST also collects a series of personal information (for example: e-mail address, telephone, etc.) in order to improve the way of communication with students, doctoral students, trainees, their legal representatives, employees, as well as to achieve subsequent statistical surveys (random selection of a sample and administration of a questionnaire relative to educational aspects) using communication through the electronic mail system. The refusal to provide and/or data processing of optional information may lead to the impossibility of the university transmitting information about its services.


(4) In the case of natural persons who have commercial or contractual relations with USAMVBT, personal information is collected and processed in order to comply with the legal provisions relative to the registration of financial and accounting operations. The provision of information in this category is mandatory, the refusal to provide it leads to the impossibility of starting legal relations between the university and the respective persons.

(5) In the case of direct and indirect beneficiaries within the projects with non-reimbursable financing, personal information is collected and processed to prove their participation in the activities carried out within the projects implemented by the institution (example – people who are part of the target group of the projects implemented by the institution, etc.).

DEFINITION OF TERMS


Art. 4. (1) The terms used have the following meaning:

- a) **personal data** - any information regarding an identified or identifiable natural person ("data subject"), an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to a name, an identification number, location data, a online identifier, or to one or more specific elements, specific to his physical, physiological, genetic, psychological, economic, cultural or social identity;
- b) **targeted person** – the natural person whose personal data are processed:
 - students, doctoral students, trainees, their parents, their legal representatives, other family members, candidates for admission competitions within the ULST (for bachelor's, master's, doctorate, postgraduate programs);
 - students, doctoral students, trainees declared admitted and enrolled at ULST;

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- teaching staff, auxiliary teaching staff, as well as non-teaching staff engaged in the educational process;
 - candidates for the competitions for teaching, research, auxiliary teaching and administrative positions in higher education;
 - students, doctoral students, trainees, teaching staff, auxiliary teaching staff, non-teaching staff, visitors, any person who enters a university building equipped with a video surveillance system;
 - direct and indirect beneficiaries of the projects with non-reimbursable financing (people who are part of the target group of the projects implemented by the institution);
 - any natural person who has commercial or contractual relations with ULST.
- c) **processing** - any operation or set of operations performed on personal data or sets of personal data, with or without the use of automated means, such as collection, registration, organization, structuring, storage, adaptation or modification, extraction, consultation, use, disclosure by transmission, dissemination or making available in any other way, alignment or combination, restriction, deletion or destruction;
- d) **operator** - natural or legal person, public authority, agency or other body that, alone or together with others, establishes the purposes and means of personal data processing; when the purposes and means of processing are established by Union law or domestic law, the operator or the specific criteria for its designation may be provided for in Union law or domestic law;
- e) **person authorized by the operator** - natural or legal person, public authority, agency or other body that processes personal data on behalf of the operator;
- f) **recipient** - natural or legal person, public authority, agency or other body to whom (to whom) the personal data is disclosed, regardless of whether it is a third party or not. However, public authorities to whom personal data may be communicated in the framework of a certain investigation in accordance with Union law or internal law are not considered recipients; the processing of this data by the respective public authorities complies with the applicable data protection rules, in accordance with the purposes of the processing;
- g) **consent of the data subject** - any manifestation of free, specific, informed and unambiguous will of the data subject by which he accepts, through a statement or through an unequivocal action, that the personal data concerning him be processed;
- h) **data record system** - any structured set of personal data accessible according to specific criteria, be they centralized, decentralized or distributed according to functional or geographical criteria;
- i) **ANSPDCP** – National Supervisory Authority for the Processing of Personal Data.

(2) Terms such as: **restriction of processing, create profiles, pseudonymisation, third party, violation of the security of personal data, genetic data, biometric data, health data** , have the meanings defined by Regulation (EU) 2016/679 on the protection of natural persons with

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regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation) .

Chpt PRINCIPLES AND INSTITUTIONAL FRAMEWORK REGARDING THE PROCESSING OF PERSONAL DATA BY ULST

Art. 5 . Personal data within ULST are:


- a) processed legally, fairly and transparently towards the data subject ("legality, fairness and transparency");
- b) collected for specific, explicit and legitimate purposes and are not subsequently processed in a way incompatible with these purposes; subsequent processing for archiving purposes in the public interest, for scientific or historical research purposes or for statistical purposes is not considered incompatible with the initial purposes;
- c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ("data minimization");
- d) accurate and, if necessary, updated; all necessary measures must be taken to ensure that personal data which are inaccurate, having regard to the purposes for which they are processed, are deleted or rectified without delay ("accuracy");
- e) kept in a form that allows the identification of the data subjects for a period that does not exceed the period necessary to fulfill the purposes for which the data are processed; personal data may be stored for longer periods to the extent that they will be processed exclusively for archiving purposes in the public interest, for scientific or historical research purposes or for statistical purposes, subject to the implementation of technical measures and organizational measures provided for in Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation), in order to guarantee the rights and freedoms of the data subject ("storage restrictions");
- f) processed in a way that ensures adequate security of personal data, including protection against unauthorized or illegal processing and against accidental loss, destruction or damage, by taking appropriate technical or organizational measures ("integrity and confidentiality").

LEGALITY OF PROCESSING

Art. 6 . (1) ULST recognizes and respects the right to intimate, family and private life, the processing of personal data being carried out in accordance with the legal provisions in force.

(2) The processing is legal only if and to the extent that at least one of the following conditions applies :

- a) the data subject has given his consent for the processing of his personal data for one or more specific purposes;
- b) the processing is necessary for the execution of a contract to which the data subject is a party or to take steps at the data subject's request before concluding a contract;
- c) the processing is necessary in order to fulfill a legal obligation incumbent on the operator;

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- d) the processing is necessary to protect the vital interests of the data subject or another natural person;
- e) the processing is necessary for the performance of a task that serves a public interest or that results from the exercise of the public authority with which the operator is vested;
- f) the processing is necessary for the purposes of the legitimate interests pursued by the operator or a third party, unless the interests or fundamental rights and freedoms of the data subject prevail, which require the protection of personal data, especially when the data subject is a child.


Letter (f) does not apply in the case of processing carried out by public authorities in the performance of their duties.

(3) In all cases, when obtaining the data, ULST will inform the data subject about:

- the identity of the operator and his representative, if applicable;
- the contact details of the data protection officer, as appropriate;
- the purpose for which the personal data are processed, as well as the legal basis of the processing (if the processing is based on legitimate interests, reference will be made to them);
- the existence of the right to withdraw consent when the processing is based on consent and there is no other basis for processing;
- recipients or categories of recipients of personal data;
- if applicable, the operator's intention to transfer the data outside the EU or to an international organization, as well as mentioning the applicable guarantees;
- the period of storage of personal data, or if this is not possible, the criteria used to establish this period;
- if the provision of personal data represents a legal or contractual obligation or an obligation necessary for the conclusion of a contract, as well as if the data subject is obliged to provide this personal data and what are the possible consequences of non-compliance with this obligation;
- the existence of the rights provided by law for the data subject, as well as the conditions under which they can be exercised;
- information about the existence of an automated decision-making process, if applicable, as well as useful information related to the logic used and the importance of the processing;
- any other information the provision of which is required by provision of the ANSPDCP, taking into account the specifics of personal data processing.

(4) In the event that ULST does not obtain the data directly from the data subject, USAMVBT will provide him with the information provided above, in compliance with the following terms:

- within a reasonable time after obtaining the personal data, but no longer than one month, taking into account the specific circumstances in which the personal data are processed;
- if the personal data is to be used for communication with the data subject, at the latest at the time of the first communication to that data subject;
- if personal data is intended to be disclosed to another recipient, at the latest on the date on which it is disclosed for the first time .

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RESPONSIBILITY

Art. 7. (1) ULST is responsible for personal data under its control, as well as for data transferred to third parties.

(2) ULST uses the personal data of the persons concerned through a database made up of information obtained directly from the persons concerned and information provided by any external source authorized by law.

(3) ULST will designate the persons who will be responsible for complying with the legal provisions in the field of protection of persons and personal data, they will also have duties of collection, use and processing of personal data.

LEGITIMACY OF THE COLLECTION PURPOSE II

Art. 8. (1) In ULST the collection of personal data by fraudulent, unfair or illegal means is prohibited.

(2) The persons concerned will be informed about the categories of data that are processed, the purpose of the processing as well as the consequences of their refusal to provide the university with the requested data.

(3) Mentioning the purposes for which personal data is collected can be done in writing, orally or in electronic form, in a language easily accessible to the persons concerned.

CONSENT

Art. 9. (1) If the processing is based on consent, the operator must be able to demonstrate that the data subject has given his consent for the processing of his personal data.


(2) If the data subject's consent is given in the context of a written statement that also refers to other aspects, the consent request must be presented in a form that clearly differentiates it from the other aspects, in a form understandable and easily accessible, using clear and simple language.

LEGITIMACY OF STORAGE

Art. 10. (1) ULST undertakes to take all necessary measures to preserve the data with personal character in an accurate, completed and updated manner, to achieve the purposes for which they were collected.

(2) Inaccurate or incomplete data will be rectified or removed from the current records.

(3) Following periodic checks, the personal data held by the operator, which no longer serves the purpose or fulfillment of legal obligations, will be destroyed or transformed into anonymous data within a reasonable period of time, according to the procedures established by law, in agreement with the legal archiving terms.

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SECURITY OF PROCESSING

Art. 11. ULST has the obligation to take all the necessary technical and organizational measures to ensure an adequate level of protection and security, within the operations performed on personal data, for the following purposes: to limit access to databases, which is allowed only to authorized persons, to prohibit the copying of data outside the places where it is managed, in general, to prevent any uncontrolled movement of data.

CHAPTER II I. RIGHTS OF THE PERSON SUBJECTED IN THE CONTEXT OF THE PROCESSING OF PERSONAL DATA

THE RIGHT TO INFORMATION

Art. 12. (1) ULST will make available to the persons concerned, the strategies and procedures used in connection with the processing of personal data, in the form of information provided in an accessible language, by physical means (ex - brochures, information), telephone or electronic.

(2) ULST will communicate upon request, when the law does not prohibit, information regarding: the categories of personal data it processes, the sources from which the personal data were collected, the purposes of the processing, as well as if, respectively this data was disclosed to a third party.

(3) If the disclosure of data is required by law (for example, in order to enforce a court order), USAMVBT will ensure that the third party requesting the disclosure acts in accordance with the relevant legal provisions, and the request concerns only personal data not excessive in relation to the purpose of the processing.


RIGHT TO DATA ACCESS

Art. 13. The persons concerned have the right to be informed about their own personal data held by USAMVBT, meaning that the institution will allow access through the easiest means, which they can reasonably make available.

THE RIGHT TO RECTIFICATION

Art. 14. (1) The data subject has the right to obtain from ULST, without undue delay, the rectification of inaccurate personal data concerning him. Taking into account the purposes for which the data were processed, the data subject has the right to obtain the completion of personal data that are incomplete, including by providing an additional statement.

(2) The databases are updated through the information sent by the persons concerned, as well as through the information provided by any external source authorized by law.

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THE RIGHT TO DELETE DATA

Art. 15. (1) The right to delete data means the right to obtain, **to the extent that the legal conditions are met**, the deletion of personal data.

(2) The data subject has the right to obtain from the institution the deletion of personal data concerning him/her without undue delay, and the ULST has the obligation to delete personal data without undue delay if one of the following reasons applies :

- a) the personal data are no longer necessary to fulfill the purposes for which they were collected or processed;
- b) the data subject withdraws the consent on the basis of which the processing takes place, and there is no other legal basis for the processing;
- c) the data subject opposes the processing pursuant to Article 21 paragraph (1) of Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/ EC (General Data Protection Regulation) and there are no overriding legitimate reasons for the processing or the data subject objects to the processing pursuant to Article 21 paragraph (2) of the same normative act;
- d) personal data were processed illegally;
- e) personal data must be deleted to comply with a legal obligation incumbent on the operator under Union law or the internal law to which the operator is subject.


(3) ULST, as a data operator, may refuse the data deletion request, to the extent that the processing is necessary:

- a) for exercising the right to free expression and information;
- b) for complying with a legal obligation that provides for processing based on Union law or internal law that applies to the operator or for the performance of a task performed in the public interest or in the exercise of an official authority with which the operator is vested;
- c) for reasons of public interest in the field of public health, in accordance with the applicable legal provisions;
- d) for archiving purposes in the public interest, for scientific or historical research purposes or for statistical purposes, under the conditions of the General Data Protection Regulation, to the extent that the exercise of the right is likely to make impossible or seriously affect the achievement of the objectives of the respective processing;
- e) for establishing, exercising or defending a right in court.

RIGHT TO RESTRICTION OF PROCESSING

Art. 16. (1) The right to restrict processing implies the right to obtain, to the extent that the legal conditions are met, the marking of stored personal data, with the aim of limiting their further processing.

(2) The data subject has the right to obtain from the operator the restriction of processing if one of the following cases applies:

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- a) the data subject contests the accuracy of the data, for a period that allows the operator to verify the accuracy of the data;
- b) the processing is illegal, and the data subject opposes the deletion of personal data, requesting instead the restriction of their use;
- c) the operator no longer needs the personal data for the purpose of processing, but the data subject requests them for establishing, exercising or defending a right in court;
- d) the data subject objected to the processing in accordance with the legal provisions, for the period of time in which it is verified whether the legitimate rights of the operator prevail over those of the data subject.

(3) The operator communicates to each recipient to whom the personal data was disclosed any rectification or deletion of the personal data or restriction of the processing carried out in accordance with the legal provisions, unless this proves impossible or requires efforts disproportionate.

THE RIGHT TO DATA PORTABILITY

Art. 17. (1) The right to data portability implies the right to receive personal data in a structural way, commonly used and in an easy-to-read format, as well as the right for this data to be transmitted by the data subject to another data operator, to the extent that the legal conditions are met.

(2) This right can be exercised, only to the extent that the processing of the data provided was carried out exclusively by automatic means and only if the extraction of this data is feasible from the point of view of the technical capabilities used by ULST.


THE RIGHT TO OPPOSITION

Art. 18. (1) The data subject has the right to object at any time, for well-founded and legitimate reasons related to his particular situation, to personal data being processed, except in cases where there are legal provisions to the contrary . In case of justified opposition, the processing can no longer concern the data in question.

(2) ULST no longer processes personal data, unless the institution demonstrates that it has legitimate and compelling reasons that justify the processing and that prevail over the interests, rights and freedoms of the data subject or that the purpose is to establish, exercise or defend a right in court.

THE RIGHT NOT TO BE SUBJECTED TO AN INDIVIDUAL DECISION

Art. 19. Any person has the right to request and obtain the withdrawal/cancellation/reevaluation of any decision that produces legal effects regarding him/her, adopted exclusively on the basis of personal data processing, carried out by automatic means (including the creation of profiles), intended to evaluate some aspects of his personality, such as performance at work, economic situation, health, personal preferences, interests, reliability, behavior, the location of the respective natural person or his movements.

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THE RIGHT TO ADDRESS THE COURT OR THE NATIONAL SUPERVISORY AUTHORITY OF THE PROCESSING OF PERSONAL DATA

Art. 20. The data subject has the right to file a complaint with the National Authority for the Supervision of the Processing of Personal Data, respectively to apply to the courts for the defense of any rights guaranteed by the applicable legislation in the field of personal data protection, which - were violated.

CHAPTER IV. SECURITY OF PERSONAL DATA PROCESSING ACTIVITIES

Art. 21. (1) ULST, as the operator, applies the appropriate technical and organizational measures to protect personal data against accidental or illegal destruction, loss, modification, disclosure or unauthorized access, especially if said processing involves data transmissions within a network, as well as against any other form of illegal processing. These measures ensure an adequate level of security in terms of the risks posed by the processing of personal data, as well as in terms of the nature of the data to be protected.


(2) ULST will implement information security policies, intended to establish the security principles and measures that must be followed within the institution to maintain the security of information, including personal data, processing and computer systems at a level tall .

(3) If there is a breach of the security of personal data, the operator shall notify the ANSPDCP without undue delay and, if possible, within 72 hours at most from the date on which he became aware of this, except in the case where it is likely to generate a risk for the rights and freedoms of natural persons. The user means any person who acts under the authority of the operator, authorized person or representative, with a recognized right of access to the character databases personal.

CHAPTER V DATA PROTECTION OFFICER

Art. 22. (1) ULST, as the operator, appoints a data protection officer, who will have the following duties:

- a) informing and advising the institution and the employees in charge of processing regarding their obligations under the General Data Protection Regulation and other legal provisions related to data protection;
- b) monitoring compliance with the General Data Protection Regulation and other legal provisions related to data protection and the institution's policies regarding the protection of personal data, including the allocation of responsibilities and actions to raise awareness and train staff involved in processing operations, such as and related audits;
- c) providing advice upon request regarding data protection impact assessment and monitoring its operation, in accordance with Article 35 of the General Data Protection Regulation;
- d) cooperation with the supervisory authority;

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e) assuming the role of contact point for the supervisory authority on matters related to processing, including the prior consultation referred to in Article 36 of the General Data Protection Regulation, as well as, where appropriate, consultation on any other matter.

(2) In the performance of his duties, the data protection officer shall duly take into account the risk associated with the processing operations, taking into account the nature, scope, context and purposes of the processing.

Chapter VI FINAL AND TRANSITIONAL PROVISIONS

Art. 23. (1) This regulation is completed with the provisions of the procedures/instructions/work policies that will be developed in order to ensure the adequate protection of personal data, specific to activities in the field of security of personal data processing and the free circulation of these data.

(2) This regulation was approved at the ULST Senate meeting on 07/06/2018 with the possibility of periodic revision, depending on the applicable legislative amendments and additions, as well as the level of technological development.

Rector,

Professor Cosmin Alin Popescu