



Swiss International  
Institute Lausanne

## **DATA PROTECTION POLICY**

**Swiss International Institute Lausanne - SIIL**

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# DATA PROTECTION POLICY

## Swiss International Institute Lausanne - SII

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## I CONTEXT

Swiss International Institute Lausanne - SIIIL acquires, processes, uses, discloses (where permissible by law) and retains personal data of individuals when carrying out its functions. These individuals include students, staff, research participants, members of the public and other persons who engage with SIIIL.

This processing is regulated by Swiss and European data protection legislation, specifically the [General Data Protection Regulation \(GDPR\) \(EU\) 2016/679](#) ('data protection law') which strengthen the rights of individuals and place specific data processing obligations on organisations.

## II PURPOSE

This purpose of this policy is to provide specific information and guidance to students, staff and other relevant individuals, in order to ensure consistent application of and continued compliance with data protection law at SIIIL.

## III BENEFITS

SIIIL respects the privacy rights of individuals when processing personal data. Moreover, the protection of personal data is central to the SIIIL's information security and records management practices.

This policy is a statement of the SIIIL's commitment to safeguard the privacy rights of individuals in accordance with data protection law.

The policy applies to all SIIIL-controlled activities in which personal data is processed and provides a compliance framework for SIIIL staff, students and other stakeholders.

## IV SCOPE

This policy applies to:

- staff employed by SIIIL who process personal data during the course of their employment for academic, research, administrative and/or other purposes This includes, but is not limited to, permanent, part-time, casual, temporary, honorary, visiting and voluntary staff as well as contractors, agency workers and students employed by the SIIIL;
- students of SIIIL who process personal data during the course of their studies for academic, research and/or other purposes;
- individuals, including but not limited to, visitors on work placements and secondments who process personal data in the course of their access to SIIIL systems and premises.

This policy applies to personal data processed by SIIIL in paper and electronic format and is not restricted by location or form of access.

## V DEFINITIONS

Personal data: Any information relating to an identified or identifiable person who can be identified, directly or indirectly, by reference to an identifier such as name, image, identification number, location data or online identifier.

Data controller: An entity which determines the purposes and means of the processing of personal data. SIIIL is a data controller in relation to personal data relating to its staff and students.

Data processor: An entity which processes personal data on behalf of the controller. In certain instances SIIIL is a data processor when providing a service to another entity (e.g. analysis of data on behalf of a third party).

Processing: Any operation or set of operations which is performed on personal data, whether or not by automated 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, restriction, erasure or destruction.

Special categories of personal data: Data revealing an individual's racial or ethnic origin, political opinions, religious beliefs or philosophical beliefs, data relating to trade union membership, genetic data, biometric data for the purpose of uniquely identifying an individual, data concerning health and data concerning an individual's sex life or sexual orientation.

Data Protection Officer: The appointed member of staff at SIIIL responsible for ensuring data protection compliance at the Institution.

## VI PRINCIPLES OF DATA PROTECTION

SIIIL is responsible for demonstrable compliance with the principles of data protection when processing personal data ('accountability'). These principles are set out under Article 5 GDPR and state that personal data shall be:

- processed lawfully, fairly and in a transparent manner in relation to the individual ('lawfulness, fairness and transparency');
- collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes ('purpose limitation');
- adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation');
- accurate and, where necessary, kept up to date ('accuracy');

- kept in a form which permits identification of individuals for no longer than is necessary for the purposes for which the personal data are processed ('storage limitation'); and
- processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ('integrity and confidentiality').

## VII POLICY

### 1. Legal basis for processing personal data

SIIIL shall process personal data under an appropriate legal basis, where at least one of the following conditions is met:

- the individual has consented to processing;
- processing is required due to a contract;
- processing is necessary for compliance with a legal obligation;
- processing is necessary to protect an individual's vital interests;
- processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in SIIIL;
- processing is necessary for the legitimate interests of SIIIL or a third party and does not interfere with the rights and freedoms of individuals.
- Where SIIIL relies on consent as a legal basis for processing personal data, SIIIL must:
  - obtain the individual's specific, informed and freely given consent;
  - ensure that the individual gives consent by a statement or clear affirmative action;
  - retain evidence of that statement/affirmative action; and
  - allow the individual to easily withdraw their consent at any time if they so wish.

The processing of special categories of personal data requires additional conditions to be met pursuant to Article 9 GDPR (when applicable).

### 2. Rights of individuals

SIIIL shall respond to all rights requests and protect the rights of individuals under data protection law. Detailed guidance and support on upholding individuals' rights is available from the Data Protection Officer.

The right to be informed: Individuals should be informed about the processing of their personal data. There are specific provisions set out under data protection law as to information which should be provided to individuals via a privacy notice when collecting personal data.

The right of access: Individuals have the right to make an access request for a copy of their personal data and to exercise that right easily and at reasonable intervals.

The right to rectification: Individuals have the right to have inaccurate personal data about them rectified.

The right to erasure: This is also known as the ‘right to be forgotten’. Individuals have the right, under certain circumstances, to have their personal data erased.

The right to restrict processing: Individuals have the right, under certain circumstances, to request the restriction of processing of their personal data.

The right to data portability: Individuals have the right to obtain their personal data and reuse the data via different platforms and services under certain circumstances.

The right to object to processing: Individuals have the right, under certain circumstances, to object to the processing of their personal data.

These rights are not absolute and subject to certain exemptions under data protection law.

### **3. Records of processing activities**

SIIIL maintains records of processing activities involving personal data as required under data protection law. SIIIL is also required to hold a register of personal data which it processes in its capacity as a data processor.

### **4. Sharing of personal data**

Where SIIIL engages a third-party processor to process personal data the HEI implements data processing agreements, carries out due diligence and conducts information security audits where appropriate.

Such external processing includes (but is not limited to):

- IT systems and services
- HR services, including payroll, expenses, sick leave and annual leave management and pensions
- Student and staff surveys

### **5. International data transfers**

Even if Swiss companies do not have to obey GDPR all the time, SIIIL shall apply the GDPR provision where it is applicable.

Chapter V GDPR imposes restrictions on international data transfers. These restrictions are in place to ensure that the level of protection and accountability afforded by EU law is not undermined. SIIIL transfers personal data to countries or organisations outside of the European Economic Area (‘EEA’) where there is adequate protection in place, in compliance with conditions for transfer as set out under Chapter V.

For any support, staff and students should contact the Data Protection Officer.

## 6. **Data security**

SIIIL implements appropriate technical and organisational measures to preserve data security and mitigate risk in order to safeguard personal data.

Personal data under the control of SIIIL should be processed in accordance with the HEI [IT Security Policy](#).

SIIIL-controlled data processed using Cloud-based services must be managed in accordance with the University [Cloud Computing Policy and Guidelines](#).

## 7. **Data breach notifications**

SIIIL has developed [Personal Data Breach Procedural Guidelines](#) to assist in identifying, investigating, reviewing and reporting incidents involving the unauthorised disclosure, loss, destruction or alteration of personal data.

The Data Protection Officer should be notified of such incidents immediately.

## 8. **Data protection training**

SIIIL provides training in data protection, information security and good research practice. HEI staff, students and researchers should complete relevant training and awareness activities which are provided to support compliance with this policy.

## 9. **Data Protection Officer**

The Data Protection Officer must be consulted on all matters at the SIIIL which relate to the protection of personal data. The Data Protection Officer is independent, bound by confidentiality and reports to the Rectorate and Shareholder's Board. Individuals should contact the Data Protection Officer with regard to all issues related to processing of their personal data and to the exercise of their rights under data protection law.

The role of the Data Protection Officer is:

- to advise SIIIL and its staff and students of their responsibilities under data protection law;
- to monitor compliance with data protection law and relevant HEI policies;
- to provide training and increase awareness among staff and students;
- and to act as the responsible person in relation to data breaches, complaints, investigations, audits and any other matters relevant to data protection law.

## VIII **SANCTIONS**

It is a condition of employment that staff adhere to [SIIIL policies](#). It is a condition of the Study Contact that each student abides by the [SIIIL Academic Policies and Regulations](#). Any breach of these policies and regulations is considered a serious matter and may result in SIIIL taking disciplinary action in accordance with the HEI disciplinary procedures.

## IX FURTHER INFORMATION

Specific queries on this policy or requests should be directed to the Data Protection Officer (email: [a.isanina@siil.ch](mailto:a.isanina@siil.ch)), who will progress as appropriate.

Training for staff members will be scoped in liaison with Human Resources and communicated to all staff as appropriate

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Date of Approval:	01.09.2022
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