

# Privacy Statement of the Open Universiteit

## Introduction

The Open Universiteit (OU) respects and protects your privacy and only processes personal data if permitted to do so by law. The OU processes personal data in accordance with the European General Data Protection Regulation (GDPR).

In this Privacy Statement, the OU sets out:

- how it uses personal data (which personal data are collected from who, the grounds on which this is done and for which purposes);
- how personal data are processed;
- how it uses personal data for its own purposes (re-use);
- the rights of data subjects;
- the retention period for personal data;
- who to contact if you have any privacy-related questions or requests.

## How personal data are used

The OU processes personal data for a number of different purposes. Which purposes these are in your case and which of your personal data the OU processes will depend on the relationship you have with the OU. For example, whether you are an interested person, an OU student, alumnus or member of staff or a participant in academic research by the OU. Without your consent, the OU will not process your personal data for any purpose other than for which they were collected. Detailed information per relationship type follows below.

***Interested persons (education funded under the Higher Education and Research Act (Wet op het hoger onderwijs en wetenschappelijk onderzoek (WHW)) and non-government funded education)***

### Personal data collected

The OU processes the following personal data of interested persons: first and last name, interest in studies and study options, prior education, date of birth, nationality, email address, address, telephone number, contact moments and any other information interested persons provide us with. The OU also registers how an interested person contacts it and which information the interested person asks for.

### Bases for processing personal data

The OU processes the personal data of interested persons on one of the following bases:

- The interested person has consented to the processing of their personal data;
- The processing of personal data is necessary to enrol an interested person as a student within the meaning of the WHW, or to take steps at the request of the interested person before finalising their enrolment;
- The processing of personal data is necessary to enrol an interested person as a contract student (not being a student within the meaning of the WHW) or to take steps at the request of the interested person before finalising their enrolment;
- The processing of personal data is necessary to protect the legitimate interests of the OU or a third party.

### Purposes

The OU processes the personal data of interested persons for the following purposes:

1. To comply with an information request or register participation in an (information) activity;
2. To be able to contact an interested person and respond to questions they ask;
3. To inform an interested person of (new) information activities and study options;
4. To help an interested person complete their enrolment for a study programme (WHW or contract education);
5. To be able to send digital newsletters to interested persons;
6. To keep internal records and carry out other internal management activities;
7. To improve the OU website and OU services;
8. To conduct the market research or statistical research referred to in the GDPR;
9. To comply with statutory obligations, like the obligation to keep and retain records.



The GDPR prohibits the processing of special personal data in principle. The special personal data of interested persons may only be processed if the conditions specifically set out in the GDPR have been met, or if one of the exceptions referred to in the GDPR applies.

### ***Students (education funded under the WHW)***

#### Personal data collected

The OU processes the following personal data of students: contact details (name, home address, email address and telephone number), gender, nationality and place of birth, student number, Citizen Service Number, bank account number, study results/study progress and guidance data, correspondence and interaction data (emails, letters, messages or other information exchanged when a student contacts the OU or the OU contacts a student), medical data a student provides us with and any visual material and/or financial information a student provides us with. In the event of non-payment, the OU will be entitled to refer the debt for collection by a collection agency.

In most cases, the personal data that the OU collects will have been obtained directly from a student. However, the OU sometimes also receives personal data via third parties (DUO and the government, for example), in accordance with legislation and regulations or with the explicit consent of students.

There are times when the OU will process medical data about students at their request. For example, the data required if a student is studying with a disability or to process a request a student has submitted to the profiling fund committee (*Commissie profileringsfonds*) as set out in the student financial support fund regulations. The processing of medical data is kept to an absolute minimum. If the profiling fund committee is able to suffice with a certificate from a medical expert to the effect that a student was not able to study at a particular time due to medical reasons, without stating the medical condition, it will not be necessary to process any other medical data.

If requested by a student, the OU may process more of a student's financial data than that required to enrol the student in question. For example, data necessary in connection with a request a student has submitted for financial assistance under the OU tuition fees discount scheme (*Kortingsregeling Collegegeld*).

#### Bases for processing personal data

The OU processes the personal data of students on one of the following bases:

- The student has consented to the processing of their personal data;
- The processing of personal data is necessary to enrol<sup>1</sup> a person as a student, or to take enrolment steps at the request of the student;
- The OU needs to process a student's personal data to comply with a legal obligation incumbent on the OU;
- The processing of a student's personal data is necessary to protect their vital interests or the vital interests of other persons and it is not possible to justify the processing of this data on any other legal basis;
- Processing is necessary to perform a task of public interest or the public authority conferred on the OU;
- The processing of personal data is necessary to protect the legitimate interests of the OU or a third party.

#### Purposes

The OU processes the personal data of students for the following purposes:

1. To organise, plan and implement education;
2. To guide students: this should be understood to mean providing personalised education, creating individual learning pathways and providing personal feedback;
3. To inform students of relevant study and student-facility related matters;
4. To respond to questions asked by students;
5. To facilitate study options;
6. To deal with disputes, including complaints, objections and appeals;
7. To improve the quality of OU education and services;
8. To conduct the market research or statistical research referred to in the GDPR;

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<sup>1</sup> In this context, the term 'enrol' should be read as 'agreement' within the meaning of the GDPR.

9. To calculate, record and collect amounts due;
10. To establish the amount of the provisional and final KCOU discount;
11. To keep internal records and carry out other internal management activities (including quality management);
12. To comply with statutory obligations, like the obligation to keep and retain records;
13. To conduct an audit;
14. To organise Student Council elections.

The GDPR prohibits the processing of special personal data in principle. The special personal data of students may only be processed if the conditions specifically set out in the GDPR have been met, or if one of the exceptions referred to in the GDPR applies. With regard to processing of personal data that is sensitive in nature, the OU can opt for additional privacy regulations aimed at that service/product, such as in the case of taking exams using proctor software. In such cases, the specific privacy regulations prevail over this (corporate) privacy statement.

The OU does not currently use profiling in combination with automated individual decision-making, as referred to in Article 4.4 of the GDPR. However, the OU does use Learning Analytics combined with human intervention in its digital learning environment, which it does solely with the object of generating the information that lecturers, tutors and study advisers need to be able to offer personalised education. Learning Analytics is not used for individual decision-making, because of which it does not have any decisive individual consequences for students.

### ***Contract students (non-funded education)***

#### Personal data collected

The OU processes the following personal data of contract students: contact details (name, home address, email address and telephone number), gender, student number, bank account number, study results/study progress and guidance data, correspondence and interaction data (emails, letters, messages or other information exchanged when a contract student contacts the OU or the OU contacts a contract student), medical data a contract student provides us with, any visual material and/or any financial information a contract student provides us with. In the event of non-payment, the OU will be entitled to refer the debt for collection by a collection agency.

There are times when the OU will process medical data about contract students at their request. For example, the data required if a contract student is studying with a disability. The processing of medical data is kept to an absolute minimum. In most cases, the personal data that the OU collects will have been obtained directly from a contract student. However, the OU sometimes also receives personal data via third parties (a contract student's employer, for example), in accordance with legislation and regulations or with the explicit consent of contract students.

#### Bases for processing personal data

The OU processes the personal data of contract students on one of the following bases:

- The contract students has consented to the processing of their personal data;
- The processing of personal data is necessary to perform an agreement to which the contract student is a party, or to take steps at the request of the contract student before finalising enrolment;
- The processing of personal data is necessary to protect the legitimate interests of the OU or a third party.

#### Purposes

The OU processes the personal data of contract students for the following purposes:

1. To organise, plan and implement education;
2. To guide contract students;
3. To inform contract students of relevant study and student-facility related matters;
4. To respond to questions asked by contract students;
5. To facilitate study options;
6. To deal with disputes, including complaints;
7. To improve the quality of OU education and services;
8. To conduct the market research or statistical research referred to in the GDPR;
9. To calculate, record and collect amounts due;

10. To keep internal records and carry out other internal management activities (including quality management);
11. To comply with statutory obligations, like the obligation to keep and retain records;
12. To conduct an audit.

## **Alumni**

OU alumni can register with the alumni association. However, the OU wants to maintain contacts with its alumni itself too.

### Personal data collected

The OU processes the following personal data of alumni: first and last names, OU programmes and courses completed, study start and end years, email address, postal address, telephone number and any other information alumni provide us with.

### Bases for processing personal data

The OU processes the personal data of alumni on one of the following bases:

- Alumni have consented to the processing of their personal data;
- The processing of personal data is necessary to protect the legitimate interests of the OU or a third party.

### Purposes

The OU processes the personal data of alumni for the following purposes:

1. To inform alumni about (new) services the university provides. For example, developments in the field of education and/or educational innovation;
2. To inform alumni about (current developments at) the OU;
3. To be able to stay in contact with alumni;
4. To provide the subscriptions agreed with alumni (if applicable). Digital newsletters, for example;
5. To improve OU services;
6. To conduct the market research or statistical research referred to in the GDPR;
7. To respond to questions from alumni;
8. To handle requests for information from alumni;
9. To comply with statutory obligations, like the obligation to keep and retain records;
10. To keep records and carry out other internal management activities (including quality management).

## **Staff**

### Personal data collected

The OU processes the following personal data of staff: contact details (name, home address, any postal address, email address and telephone number), gender, nationality, date of birth, place of birth, Citizen Service Number, bank account number, past employment data (including qualifications) and educational results (if any), data about ancillary activities, correspondence and interaction data related to the employment relationship (emails, letters, messages or other information exchanged), medical data staff have provided us with, any visual material and/or financial information staff have provided us with and result and development data. When a member of staff commences employment with the OU, a copy of their (valid) passport/identity document/other proof of identity will be requested and retained.

In most cases, the personal data that the OU collects will have been obtained directly from staff. However, the OU sometimes also receives personal data via third parties (the Tax and Customs Administration, DUO and pension funds, for example), in accordance with legislation and regulations or with the explicit consent of staff.

There are times when the OU will process medical data about staff at their request. For example, the data necessary to be able to respond correctly in emergency situations or to adapt the workplace.

### Bases for processing personal data

The OU processes the personal data of staff on one of the following bases:

- The member of staff has consented to the processing of their personal data;

- The processing of the personal data of a member of staff is necessary for the performance of their employment contract or – as requested by them – to take steps before concluding the employment contract with them;
- The processing of the personal data of a member of staff is necessary to perform an agreement concluded by the OU when a member of staff is a party to the agreement Grant projects, for example;
- The OU needs to process a member of staff's personal data to comply with a legal obligation incumbent on the OU;
- The processing of a member of staff's personal data is necessary to protect their vital interests or the vital interests of other persons and it is not possible to justify the processing of this data on any other legal basis;
- The processing of personal data is necessary to protect the legitimate interests of the OU or a third party.

### Purposes

The OU processes the personal data of staff for the following purposes:

1. To perform the employment contract entered into with a member of staff;
2. To perform an agreement concluded by the OU when a member of staff is a party to the agreement. Grant projects, for example;
3. To organise, plan and carry out the work of a member of staff;
4. To keep internal records and carry out other internal management activities (including quality management or staff satisfaction survey);
5. To comply with statutory obligations, like the obligation to keep and retain records;
6. To conduct an audit.

The special personal data of staff may only be processed if the conditions specifically set out in the GDPR have been met, or if one of the exceptions referred to in the GDPR applies.

### **Academic research**

Many academic research projects process the personal data of their participants. Besides the GDPR, the OU seeks to comply with the current Dutch Code of Conduct on Academic Integrity (*Nederlandse Gedragscode wetenschappelijke integriteit*) and the Code for the Use of Personal Data in Scientific Research of the Association of Universities in the Netherlands (*Vereniging van Universiteiten (VSNU)*). An important guideline provided in the code of conduct is that researchers may only use personal data for research purposes; in other words, research for an academic publication. Individuals may never be identifiable or traceable in these publications. Researchers must ensure that participants are given detailed information in advance about how and which personal data will be processed.

## Processing personal details

### **Photographs and visual material**

Visual recordings, which are defined here as photographs and videos, may be made at events and meetings. The OU will announce the making of visual recordings as far as possible in advance and/or at the event or meeting in question.

In some cases, the OU will have a legitimate interest in making visual recordings. In other cases, the OU will request permission to make and publish visual recordings.

When visual recordings are to be made of study-related meetings/activities, such as practicals and students studying in study workspaces in OU buildings, the verbal consent will be obtained of everyone recognisable in the visual recordings at the very least. The OU will ensure that anyone who is recognisable in visual recordings is shown in a proper manner.

### Objections to recordings and/or publications

- Immediately: individuals may always object to their inclusion in a recording when they see a photographer is in the process of making a recording. If the OU has brought in a photographer, the objections made will be taken into account and the person will not be recognisable in the recording in question. An individual may also choose to stay out of shot;
- Afterwards: objections to the recording or publication of images may be submitted via [info@ou.nl](mailto:info@ou.nl). If an objection to the recording or use of certain visual material is justified, the OU will attempt to modify and/or remove the recording and publication in question if possible.

#### Written consent

If an image is deemed to be personal data – which will be the case if a person is recognisable – the GDPR requires the demonstrable consent of the person(s) portrayed. This may conflict with freedom of access to information. The OU wants to act with all due care when producing visual material, because of which it will ensure that it obtains the written consent of all of the persons portrayed(s) in the following situations: staged photographs that are to be used to promote the OU (websites, social media and print) and/or non-staged photographs that show a limited number of persons who are visually prominent and the image material will be used to promote the OU (websites, social media and print).

#### ***The disclosure of data to third parties***

If instructed to do so by the OU, third parties may provide certain aspects of OU services necessary for the performance of an agreement. For example, the delivery of study material or for the implementation of subsidies or schemes such as the STAP procedures. To be able to guarantee the confidential and careful handling of personal data in this situation, the OU will make agreements with the third parties in question about the processing of personal data (a data processing agreement, data exchange agreement and a non-disclosure agreement, etc.). Where appropriate, the OU will issue a communication on the collaboration in question. By doing this, the OU ensures that personal data are not processed for other purposes and are not shared either.

To be in a position to comply with a statutory obligation, or to do so when required due to the investigation of criminal offences, the OU will disclose personal data to (government) authorities like the Tax and Customs Administration, DUO, the Employee Insurance Agency (*Uitvoeringsinstituut Werknemersverzekeringen (UWV)*), pension funds and/or investigative agencies like the Public Prosecution Service (*Openbaar Ministerie (OM)*), the Fiscal Intelligence and Investigation Service (*Fiscale inlichtingen- en opsporingsdienst (FIOD)*) and administrative enforcement bodies. The overarching VSNU body is permitted to provide personal data to other universities for statistical purposes, at an aggregated level.

#### ***Collecting information about the use of our website***

The OU has asked a number of companies (Google, Facebook and LinkedIn) to collect information about the use of our website [www.ou.nl](http://www.ou.nl). To this end, these companies place cookies on the devices (computer, tablet or smartphone) used when the OU website is visited. A cookie is a simple, small file that is sent along with the pages of this website and is stored by your browser. The information stored in the cookie can be returned to the company's servers on a subsequent visit.

If the cookies on a device show that the OU website has been visited recently, the companies above may display OU advertisements (banners) when you visit other websites. See our Disclaimer for more information about how the OU uses cookies. The placement of cookies may be refused, with the exception of the cookies necessary to ensure that the website works properly. It is also possible to update browser settings to specify which cookies can be accepted and when they are to be deleted.

#### ***Security***

The OU puts appropriate organisational and technical measures in place to ensure that the personal data for which it is responsible are not processed unlawfully. For example, the OU will not send personal data via an unsecured line and it continuously monitors its IT facilities for security incidents. The OU also has a Computer Emergency Response Team (CERT) that handles all security incidents (email: [cert@ou.nl](mailto:cert@ou.nl)).

The OU stores personal data in various databases, subject to strict security measures. The OU ensures that most personal data is stored within the European Economic Area. In exceptional situations, where the OU transfers personal data to countries outside the European Economic Area, the OU will put measures in place to ensure that the relevant requirements stipulated by the European Commission are met.

Bearing in mind the state of the art, implementation costs and also the nature, scope, context and processing purposes and the likelihood and gravity of various risks to the rights and freedoms of individuals, the OU will always make agreements with any processors about the appropriate technical and organisational measures to be put in place. This guarantees that the security level reflects the level of risk applicable. Where appropriate, these measures may include pseudonymisation, encryption, privacy by design, privacy by default and data minimisation.

## The re-use of personal data for own purposes

The basic principle is that personal data will be collected for a processing purpose – as communicated in advance – and processed with one of the GDPR bases in mind. However, where appropriate, the OU may also use personal data for other (own) purposes. These (own) purposes must always be compatible with the original purpose. Before this further processing takes place, careful consideration will take place to establish whether the own purpose is compatible with the original purpose. The further processing of personal data for historical, statistical or scientific purposes is permitted under the GDPR and, as such, is compatible with the original purpose referred to in Article 89 of the GDPR. The basis for this is a legitimate interest.

## The retention period for personal data

The OU will cease to retain personal data as soon as the personal data in question is no longer necessary for the purposes for which they were collected. Therefore, the OU will not retain personal data any longer than necessary to process them and is also bound by statutory retention periods. For example, the statutory retention obligation set out in the Public Records Act (*Archiefwet*) and/or under the Higher Education and Research Act. The retention periods applicable are specified in the relevant selection lists.

## Your rights

The OU respects the rights you have under applicable legislation and regulations. More information about these rights and how you can invoke them follows below. The OU has one month to respond to any request you submit about your rights. This period may be extended if necessary.

### Right of access

Under the GDPR, every data subject has the right to access to information about which of their personal data the OU has. Under the Teaching and Examination Regulations, students have the right to access to the tests or examinations assessed. This right of access ensues from the Higher Education and Research Act and applies throughout the period of time stipulated in the Teaching and Examination Regulations. Once this period time has ended, it will still be possible to gain access to personal data and the information referred to in Article 15 of the GDPR. However, access can only be offered if the OU (still) has the data in question.

### Right to rectification and erasure

In certain circumstances, you will have the right to have your personal data altered or erased if it is not correct (any more) or if the processing is not justified (any more).

### Right to object:

If the OU processes your personal data on the basis of a legitimate interest or a task carried out in the public interest, you will have the right to object. If the OU believes that it will not be able to address your objection and continues to process your personal data, the OU will explain its reasons for this situation.

### Right to restriction

In certain circumstances, you will be entitled to restrict the processing of your data too. This will involve the OU temporarily 'freezing' the processing of your data pending further procedural steps.

### Right to data portability

If the OU processes your personal data on the basis of your consent or an agreement concluded with you, you will have the right to have the digital data you have provided returned to you in a common file format.

#### Individual consideration of each request

Your rights are not absolute rights, because of which the OU will assess each request individually. If the OU decides not to comply with a request you have made, you will be informed of the reasons for its non-compliance. If your request is clearly unfounded or excessive – because it has been submitted repeatedly, for example – the OU may charge you administration costs for processing your request. You will be informed of the imposition of a charge of this nature in good time. However, the right to object to the use of data for direct marketing purposes is an absolute right. A request to deregister from any commercial communications will always be honoured.

#### Identification

Under the GDPR, the OU may follow up receipt of a request from you by asking you to provide further proof of your identity. This will ensure that the OU does not provide personal data to the wrong party or wrongly alter personal data. Therefore, to ensure that any request you submit is dealt with as quickly as possible, the OU will ask you to provide a document that shows your identity (a passport, driving licence or identity document, for example).

## Questions and comments

The OU has appointed a Data Protection Officer (DPO), whose name it has passed on to the Dutch Data Protection Authority (*Autoriteit Persoonsgegevens*). Her name is Ms S.E.M. (Saskia) van der Westen, LLB (email: [FG@ou.nl](mailto:FG@ou.nl), telephone +31 (0)45 576 2431). You could also choose to submit a complaint to the Dutch Data Protection Authority (<https://www.autoriteitpersoonsgegevens.nl/nl/zelf-doen/gebruik-uw-privacyrechten/klacht-melden-bij-de-ap>).

The Executive Board adopted this Privacy Statement on 8 March 2023, after obtaining the consent of the Works Council and the advice of the Student Council.

Updates of this statement will be published on the OU website.

Please contact us if you have any questions or comments about this Privacy Statement.

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