

AP 3800 Personal Data Protection

Reference: ***Regulation 2016/679 of the European Parliament and of the Council of 27 April 2016 (General Data Protection Regulation (GDPR))***

Adoption Date:

NOTE: *The GDPR went into effect on May 25, 2018. Although the GDPR is a European Union (EU) law, it may apply to U.S. institutions under certain circumstances. Districts should consult with local legal counsel to determine whether they must comply with this law. This procedure is **legally advised** for districts that must comply with the GDPR. Local practice may be inserted and should include or address the following:*

- Lawful basis for processing personal data (GDPR Article 6)
- Conditions for consent and withdrawal of consent (GDPR Article 7)
- Information to be provided where personal data are collected from the data subject (GDPR Article 13)
- Right of access by the data subject (GDPR Article 15)
- Right to recertification of inaccurate personal data (GDPR Article 16)
- Right to erasure/right to be forgotten (GDPR Article 17)
- Right to restrict processing (GDPR Article 18)
- Notification procedure regarding rectification or erasure of personal data or restriction of processing (GDPR Article 19)
- Right to data portability (GDPR Article 20)
- Right to object to processing (GDPR Articles 21 and 22)
- Technical and organizational measures to ensure processing is performed in compliance with the GDPR (GDPR Articles 24 and 25)
- Where processing is performed by a third-party, the guarantees required of third-party processors to comply with GDPR (GDPR Article 28)
- Requirement that the processing of personal data may only occur under the instruction of the controller (GDPR Article 29)
- Recordkeeping of processing activity (GDPR Article 30)
- Notification procedures for a data breach (GDPR Articles 33 and 34)
- Designation and responsibilities of a data protection officer (GDPR Articles 37, 38 and 39)