

On The Alert!

Date: June 6, 2018
Attention: ASCIP Members
Affected Department(s): Risk Management, IT, Admin, Teachers, & Staff
Applicability: K-12, Charter Schools, Community College Districts

GENERAL DATA PROTECTION REGULATION (GDPR)

What does GDPR mean to local educational agencies?
 How does a data protection regulation adopted in Europe reach across the ocean and impact the United States?
 Simply put, in today's connected world, data has no borders.

In 1995, the Data Protection Directive was adopted when the internet was just beginning. The GDPR was adopted in 2016 to replace this directive with more rigorous standards for data privacy but allowed the member states of the European Union (E.U.) two years to implement, which brings us to 2018.

On May 25, 2018, the [General Data Protection Regulation](#) (GDPR) went into effect. The GDPR is a regulation enacted to strengthen and unify data protection for E.U. citizens and residents. The definition of data afforded protection under the GDPR is broader than U.S. federal laws. GDPR applies to organizations with a physical presence in the E.U., and to **any organization worldwide that processes personal information of E.U. residents**. Some U.S. educational institutions have a physical presence in Europe, but even those that do not need to look carefully at these new rules because they apply if a district interacts with faculty, students, or prospective students based in the E.U, admits any E.U. resident, or participates in European study abroad programs. In such cases, the district must process its data according to the GDPR stipulations. The fines for noncompliance are significant - potentially up to 20 million euros (\$23.6 million dollars).

Therefore, ASCIP recommends the following:

- ✚ Designate a **data-protection officer** to be held accountable for this type of data.
- ✚ Perform "as soon as possible" an in-house assessment of data-collection and protection procedures.
- ✚ Identify the technical measures needed to comply with the GDPR.
- ✚ Implement appropriate measures to seek to ensure compliance.

It is prudent for districts to start applying the data protections needed to comply with the GDPR, regardless of whether the data is coming from citizens in the E.U., because GDPR represents the direction in which data privacy and protection is headed.

Resources:

The actual regulation is an [eighty-eight page document](#). The U.K. government has also provided valuable information on [data protection self assessment](#) as well as [videos and help specific to schools](#).

Please contact your ASCIP risk services consultant at (562) 404-8029 to discuss further.

