

**Elckerlyc  
International School**



**Elckerlyc  
Montessorischool**

## **Privacy Regulations**

**Elckerlyc - Leiderdorp**

28 November 2017

## Privacy Regulations Elckerlyc Leiderdorp

| Article number & Text article heading  | Explanatory notes  |
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| <b>1. Introduction</b><br>These Privacy Regulations have been drawn up for the Montessori School Elckerlyc and the International School Elckerlyc (hereinafter jointly referred to as 'Elckerlyc'), located in Leiderdorp.   | These Regulations apply to both schools. The text of the Regulations is available in Dutch and in English.   |
| <b>2. Definitions</b><br><i>Personal data</i> Any data referring to an identified or identifiable natural person;<br><i>Processing personal data</i> Any action or set of actions involving personal data, including but not limited to the collection, recording, organisation, storage, editing, alteration, retrieval, consultation, use, provision by forwarding, distribution or making available in any other form, assembly, connection, as well as the protection, erasure, or destruction of data;<br><i>Specific personal information</i> Personal information that refers to someone's religion, personal beliefs, race, political opinion, or health;<br><i>Person involved</i> The subject of the personal data, whether represented by his or her legal representative or not. In these Regulations, this refers to students;<br><i>Legal representative</i> If the person involved is under the age of sixteen, the person involved will be represented by his legal representative. This will usually be a parent but may also be a guardian;<br><i>Party responsible</i> The party responsible will determine which personal data are to be processed and what the purpose of the processing is. This party responsible is either the municipality or the public or private legal entity under which the school falls: the competent authorities. Where these Regulations refer to the party responsible, they mean the authorities in charge of the Elckerlyc.<br><i>Processor</i> The party processing the personal data for use by the party responsible; the processor does not come under the direct authority of the party responsible.<br><i>Third party</i> Anyone other than the person involved, the party responsible, the processor, or anybody else who is authorised to process personal data under the direct authority of the party responsible;<br><i>School</i> The educational institution responsible/ competent authorities. | All data that will allow people to be identified, including but not limited to visual material.<br>Such as recording student data in the student monitoring system in order to monitor the study progress of the children.<br>See Appendix 1 for an overview of the personal data used.<br>The Elckerlyc school board.<br>For instance, the supplier of the ParnasSys student monitoring system.<br>Elckerlyc, in this case. |

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| <p><b>3. Scope and purpose</b></p> <p>1. These Regulations prescribe rules concerning the processing of the personal data of students of Elckerlyc.</p> <p>2. These Regulations apply to all personal data of the person involved that are processed by Elckerlyc. The purpose of these Regulations is:</p> <p>a. to protect the privacy of the persons involved from the wrongful and accidental use of their personal data;</p> <p>b. to determine which personal data are processed and for what purpose;</p> <p>c. to guarantee the careful processing of personal data;</p> <p>d. to safeguard the rights of the person involved.</p>   | <p>These Regulations explains the use of the student data:</p> <ul style="list-style-type: none"> <li>- Which data?</li> <li>- What are they used for?</li> <li>- What are the rights of parents/carers?</li> </ul>  |
| <p><b>4. Purposes of processing personal data</b></p> <p><i>Purposes</i></p> <p>In processing personal data, Elckerlyc complies with the relevant legislation, including but not limited to the Dutch Personal Data Protection Act (<i>Wet Bescherming Persoonsgegevens Wbp</i>).</p> <p>Personal data can be processed for the purpose of:</p> <p>a. organising education, teaching, supervising students, or making recommendations for further education;</p> <p>b. supplying or making available educational resources;</p> <p>c. providing information on the organisation and educational resources referred to under a and b;</p> <p>d. providing information about the institution's activities on the website or application of the school;</p> <p>e. calculating, recording, and collecting registration fees, school fees and tuition fees, and contributions or fees for educational resources and extracurricular activities, including but not limited to assigning claims to third parties;</p> <p>f. settling disputes and conducting audits;</p> <p>g. maintaining contact with the former students of the party responsible;</p> <p>h. complying with or applying another law;</p> <p>i. promoting the communication between the people involved and the school.</p> | <p>a. Which students are in which group and what is their study progress?</p> <p>b. When digital teaching materials are used, student data (name and year) may be passed on to the suppliers. Processor's agreements are concluded with all suppliers stating the way in which they may use the personal data provided. Appendix 2 lists the suppliers concerned.</p> <p>c. The school needs to communicate with parents and students, for instance on reports or invitations for ten-minute interviews.</p> <p>i. Elckerlyc uses Emailworks to communicate with parents. The school app does not contain personal data other than student images.</p> |
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| <b>5. Exemption from the notification requirement</b> | The types of data processing listed in Article 4 fall under the Personal Data Protection Act (Wbp) Exemption Decree and do not have to be reported to the Dutch Data Protection Authority ( <i>College Bescherming Persoonsgegevens CBP</i> ).  | The law requires all personal data processing to be reported to the Dutch Data Protection Authority (CBP). Schools have been exempted from this rule if the processing is done for the purposes described in Article 4.   |
| <b>6. Purpose limitation</b>                          | Personal data may only be used in so far as the use is compatible with the processing purposes described above. The school will not process data unless this is required for achieving the purposes set out above.  | See the purposes set out in Article 4.  |
| <b>7. Types of data</b>                               | The categories of personal data used by the school are listed in Appendix 1.  |   |
| <b>8. Basis of the data processing</b>                | <p>The personal data may only be processed on the basis of:</p> <ul style="list-style-type: none"> <li>a. Consent: if the person involved has given his or her unambiguous consent to the processing of the data;</li> <li>b. Agreement: if processing the data is necessary for the execution of an agreement to which the person involved is a party, or for taking pre-contractual measures based on a request from the person involved that are necessary for the conclusion of an agreement;</li> <li>c. Legal obligation: if processing the data is necessary for complying with a legal obligation of Elckerlyc's;</li> <li>d. Vital importance;</li> <li>e. Public-law duty: if processing the data is necessary for the proper fulfilment of a public-law duty by the administrative body concerned or by the administrative body to which the data are submitted;</li> <li>f. Legitimate interest.</li> </ul> | <ul style="list-style-type: none"> <li>a. For instance, the consent of parents to use the pictures of students or to use an account in the Google Apps for Education (GAfE) internet environment.</li> <li>b. For instance, if external assistance is called in for a student at the school.</li> <li>c. For instance, the obligation to annually submit data to DUO/BRON.</li> <li>d. For instance, in order to reduce or prevent a serious threat to the health of a student.</li> <li>e. For instance, declaring a student admissible to special education or special secondary education.</li> <li>f. For instance, exchanging personal data with a publisher of digital teaching material in order to provide proper education.</li> </ul> |
| <b>9. Retention period</b>                            | Elckerlyc will retain student data for the purposes for which they were obtained unless other legal obligations force the school to retain the data after this period has lapsed.   | In practice this means that the address information of former students will only be used to organise school reunions. The data will be completely removed at the first request.   |

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| <p><b>10. Access</b></p> <p>Elckerlyc will only grant access to the personal data entered into the administration and systems of the school to:</p> <ul style="list-style-type: none"> <li>a. the processor and to persons or organisations that are under the direct authority of Elckerlyc;</li> <li>b. the processor who is entitled to process the personal data;</li> <li>c. third parties who have access to the data under the law; these third parties will only have access to the data specified in the law.</li> </ul>  | <p>In practice, these are:</p> <ul style="list-style-type: none"> <li>- Teachers and educational support staff of Elckerlyc</li> <li>- Suppliers of digital educational materials</li> <li>- External care providers, such as school social work, school attendance officers, the Inspectorate of Education, the Municipal Health Services (GGD), and the Youth and Family Centre (CJG)</li> </ul>   |
| <p><b>11. Security and confidentiality</b></p> <ul style="list-style-type: none"> <li>a. Elckerlyc will take appropriate technical and organisational security measures to protect personal data from damage, loss, or unlawful processing. The measures are also intended to prevent the unnecessary collection and continued processing of personal data.</li> <li>b. Elckerlyc will ensure that its staff members are not allowed inspection of, or access to, the personal data other than strictly necessary for the proper fulfilment of their duties.</li> <li>c. In taking security measures, the state of the art and the costs of execution are taken into account. In doing so, the school takes into account the concrete risks of storing processed personal data.</li> <li>d. Anyone who is involved in the execution of these Regulations and who, in the process, is given access to personal data that are confidential or should be kept secret (such as care-related data), and who is not already bound to secrecy by virtue of his office, profession, or any provision of law, is obligated to keep these personal data secret.</li> </ul> | <ul style="list-style-type: none"> <li>b. The access to the administration and the systems is limited: not all staff members need access to the entire administrative system.</li> <li>c. This includes topics such as taking laptops or USB sticks home, security lapses from the past, access to the server room at school, student access to the teachers' personal computers, storing printed student data in the classrooms.</li> </ul> |
| <p><b>12. Providing data to third parties</b></p> <p>If there is a legal obligation to do so, Elckerlyc may provide the personal data to third parties. Personal data may also be provided to third parties with the consent of the person involved.</p>   |  |
| <p><b>13. Social media</b></p> <p>The 'MZH Social Media Code of Conduct' contains separate provisions on the use of personal data in social media.</p>   | <p>This Code of Conduct can be accessed at the Elckerlyc website (<a href="http://www.elckerlyc-montessori.nl/privacy">www.elckerlyc-montessori.nl/privacy</a>).</p>   |
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Commented [HS1]: Dit is de Nederlandse versie

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| <p><b>14. Rights of the persons involved</b></p> <p><i>Inspection</i></p> <p><i>Correction, supplementation, removal, or protection</i></p> <p><i>Objection</i></p> <p><i>Term</i></p> <p><i>Meeting the request</i></p> <p><i>Revoking consent</i></p> | <p>1. The Personal Data Protection Act (Wbp) grants the person involved a number of rights. Elckerlyc acknowledges and complies with these rights.</p> <p>a. Every person involved is entitled to inspect the personal data that involve him or her and that are processed by the school. The school may request to see valid proof of identity to verify the identity of the person making the request.</p> <p>b. The person involved may submit a request for correction, supplementation, removal, or protection of his or her personal data unless this should prove impossible or require an unreasonable effort.</p> <p>c. In so far as Elckerlyc uses personal data pursuant to Article 8, paragraph e and f, the person involved may object to the processing of his or her personal data on the basis of his or her personal circumstances.</p> <p>2. Within four weeks after receiving such a request, Elckerlyc will either comply with the request in writing or reject it, stating reasons for its decision. The school may inform the person involved that it needs more time for its decision and extend the term by four weeks at the most.</p> <p>3. If the request of the person involved is granted, Elckerlyc will take care to process the adjustments that were requested as soon as possible and within one week at the latest.</p> <p>4. If and in so far as prior consent is needed for processing personal data, this consent may at all times be revoked by the legal representative.</p> | <p>a. Every person involved may inspect the digital or paper-based student file (educational report) that refers to him or her.</p>   |
| <p><b>15. Transparency</b></p>  | <p>1. Elckerlyc will notify the person involved of the fact that his or her personal data are processed. If the type of processing requires it, the school will notify all persons involved individually about the details.</p> <p>2. Elckerlyc will also notify the person involved - in broad outline - of the arrangements made with third parties and processors who will receive the personal data of the person involved.</p>  | <p>1. A summary of the Privacy Policy and the Privacy Regulations can be accessed at the school website.</p> <p>2. Appendix 2 explains which suppliers may process personal data.</p> |
| <p><b>16. Complaints</b></p>  | <p>1. If you believe that any acts or omissions on the part of Elckerlyc are in contravention of the Dutch Personal Data Protection Act (Wbp) or its reflection in these Regulations, please contact the director of the school involved.</p> <p>2. Under the Dutch Personal Data Protection Act (Wbp), the person involved may also bring the case before the court or the Dutch Data Protection Authority (CBP).</p>   | <p>Please refer to the complaints procedure that is part of the Elckerlyc school prospectus.</p>  |

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| <p><b>17. Unforeseen situations</b></p> <p>Should a situation occur that is not covered by these Regulations, the party responsible will take the necessary measurements, including but not limited to the notification of the Parent Teacher Participation Council (MR).</p>  |   |
| <p><b>18. Amendments to the Regulations</b></p> <p>1. These Regulations are adopted by the party responsible with the consent of the Parent Teacher Participation Council (MR). The party responsible will publish these Regulations on the website.</p> <p>2. The party responsible will be entitled to amend these regulations with the consent of the MR. If amendments are made to one or more of the appendices, notifying the MR will suffice.</p> | <p>The Regulations will be published on the website and referred to on the School App and in the school prospectus.</p>   |
| <p><b>19. Concluding provision</b></p> <p>These Regulations are cited as 'the Elckerlyc Privacy Regulations' and come into force on 28 November 2017.</p>  | <p>The Regulations have been approved by the Elckerlyc Parent Teacher Participation Council (MR) on 28 November 2017.</p> |

**APPENDIX 1: Survey of the categories of personal data used**

- a. surname, first names, initials, gender, date of birth, address, postal code, town, telephone number, and similar data used for communication with the person involved;
- b. the citizen service number (BSN);
- c. nationality;
- d. the data listed under a of the legal representative or carer of the student, including his or her educational level;
- e. data regarding the health or well-being of the student in so far as necessary for support purposes;
- f. data regarding the nature and progress of the education and support, as well as the student's achievements;
- g. school data (including but not limited to the name of the school, the name of the care coordinator/ mentor/ internal counselor, the year/group of the student, the registration date, the name of the person who handled the application with the school, school career, and reports from primary and secondary education);
- h. data on the student's absenteeism;
- i. cause for registration with the PPO Leiden region, an institution for adequate primary education, relevant screening data and research data, as well as a description of the relevant problems;
- j. actions taken by the school with regard to the student in question, as well as the results of these actions;
- k. current or previous care agreements (if relevant) and the names of the contacts;
- l. relevant personal data provided by external parties with regard to the known problems of the student in question;
- m. relevant financial data on, for instance, the parental contribution;



**APPENDIX 2: Survey of the processor agreements of Elckerlyc**

| Supplier                    | Description  | Date of signing | Remarks  |
|-----------------------------|--|-----------------|--|
| Actacom                     | ICT infrastructure administrator   |                 |  |
| Basispoort                  | System that grants teachers and students access through a single logon to online training material of the registered publishers: Noordhoff, Thiememeulenhoff, Zwijsen      | 01/10/2016      | Applies to all MZH schools   |
| Basisschool Apps / Concapps | Smartphone app that notifies parents of school news, grants them access to pictures, and allows them to report a student absent  |                 |  |
| Bazalt                      | Educational publisher of, among other things, Kijk!, a method for observing and registering the development of children  | 13/02/2017      | Applies to all MZH schools   |
| Bloon                       | Software for spelling practice   |                 |  |
| Blink                       | Educational publisher of, among other things, our method for teaching English: Groove me   | 01/12/2016      | Applies to all MZH schools   |
| Bomberbot                   | Website that students can log onto to practise programming   | 23/01/2017      | Applies to all MZH schools   |
| CED group                   | 'Nieuwsbegrip', for reading comprehension and vocabulary   | 06/03/2017      | Only for CMS De Abeel, Alphense Montessorischool, and Passe Partout  |
| CITO                        | Student testing system - digital CITO tests  | 23/11/2016      | Applies to all MZH schools   |
| Da Vinci                    | Supplier of educational material for cosmic education  |                 |  |
| Dedicon                     | Supplier of Yoleo reading software   |                 |  |
| Emailworks                  | Programme allowing teachers to communicate by email with parents and to schedule ten-minute interviews   |                 |  |
| Fieldwork Education         | IPC International Primary Curriculum - educational approach to factual subjects such as history, geography, biology, and creative subjects such as drawing and handicrafts |                 |  |
| Google                      | Use of Google Apps for Education, giving students their own Google account and allowing them to use Google cloud services.   | continuous      | Specific conditions for data processing apply: <a href="https://gsuite.google.com/terms/education_privacy.html">https://gsuite.google.com/terms/education_privacy.html</a> |
| Gynzy                       | Offers online software for, among other things, classroom management (registration of absentees by the teachers)   | 10/10/2016      | Applies to all MZH schools   |
| ICE                         | Supplier of the IEP test: the final test of group 8  |                 | Processor's agreement is part of an annual contract  |
| ITS IT Services             | ICT infrastructure administrator   | 09/05/2017      | Applies only to Houtwijk Montessori School   |
| IXL Learning                | Online training programme for arithmetic   |                 |  |
| Lexima                      | Software supporting children with dyslexia and reading problems, such as Kurzweil and Bouw   |                 |  |

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| Languagenut Ltd.         | Languagenut, method for teaching English  | 21/12/2016               | Applies to all MZH schools  |
| LOGO 3000                | Online vocabulary training programme  |                          |   |
| Malmberg                 | Educational publisher of, among other things, Station Zuid and Lijn3 training software  | 06/04/2017               | Applies to all MZH schools  |
| Noordhoff Uitgevers      | Educational publisher of, among other things, Ambrasoft, online training programme for language and arithmetic. Accessible from home as well. | 08/11/2016               | Applies to all MZH schools  |
| Oefenweb                 | Publisher of, among other things, Rekentuin & Taalzee, allowing students to practise language and arithmetic online (and from home)           | 05/12/2016               | Applies to all MZH schools  |
| Onderwijs Advies (OA)    | Services for student support, school development, and management & organisation   | 12/04/2017<br>13/11/2017 | Applies to Alphense Montessori School<br>Applies to Elckerlyc                   |
| Onderwijs Transparant    | System to make student data on students from group 8 readily comprehensible and transferrable for their future secondary schools              |                          |   |
| ParnasSys                | Student administration and student monitoring system  | 21/09/2016               | Applies to all MZH schools  |
| Rolf Groep               | ICT infrastructure administrator  |                          |   |
| Rovict                   | SCOL is a programme that gives an understanding of the development of the social skills of students   | 08/12/2016               | Applies to all MZH schools  |
| SAQI                     | Suppliers of digital questionnaires for students  | 14/02/2017               | Applies to all MZH schools  |
| Snappet                  | Adaptive digital education platform on which students can do assignments  |                          |   |
| Squla                    | Educational online platform for practising language and arithmetic skills   |                          | Generic processor's agreement at <a href="http://www.squla.nl">www.squla.nl</a> |
| Thiememeulenhoff         | Educational publisher (Take it Easy, among other things)  | 30/11/2016               | Applies to all MZH schools  |
| Veilig Verkeer Nederland | Digital training material from the Dutch Traffic Safety Association   |                          |   |
| Zwijssen                 | Educational publisher   | 15/11/2016               | Applies to all MZH schools  |
| 7U Digital Originals     | Easyrapport, online software for writing reports  | 01/11/2017               | Applies to Elckerlyc  |

If a processor's agreement has not been signed yet, this means that the supplier in question is not ready to have the model processor's agreement that was drawn up in response to the Covenant Digitale Onderwijsmiddelen en Privacy signed by all of the schools; however, this is expected to happen in the near future. The most up-to-date list of signed processor's agreements can be requested from the board.