

EU GDPR Enhancements

Information Sessions – March 28 and 29, 2019

Presented by: UW Bothell Fiscal and Audit Services



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What is EU GDPR?

European **U**nion **G**eneral **D**ata **P**rotection **R**egulation

- > Applies to companies processing the **personal data of subjects** in the EU, regardless of the company's location ⁽¹⁾
- > **Limits** how organizations worldwide can collect, store, process, and use personal data ⁽²⁾
- > Provides certain **rights** including ⁽²⁾
 - notice or consent
 - rights of access
 - requests for deletion

Why does the UW have to comply?

Organizations in breach of the EU GDPR can be fined

- > up to 4% of annual global revenue or
- > \$26 million US,
- > whichever is greater

The New York Times

Google Is Fined \$57 Million Under Europe's Data Privacy Law

By Adam Satariano

Jan. 21, 2019



LONDON — After European policymakers adopted a sweeping data privacy law last year, the big question was how regulators would use their newfound authority against the most powerful technology companies.

In the first major example, the French data protection authority announced Monday that [it had fined Google 50 million euros](#), or about \$57 million, for not properly disclosing to users how data is collected across its services — including its search engine, Google Maps and YouTube — to present personalized advertisements.

UNIVERSITY *of* WASHINGTON



UW takes this seriously

- > Created the UW Privacy Office
- > Associate Vice Provost and **Institutional Privacy Official**, Ann Nagel
- > Assistant Director of Privacy, Nada Bseikri
- > <https://privacy.uw.edu/>

Which countries belong to the EU? (4), (5)



What is my role and responsibility? ⁽³⁾

When UW departments collect **personal data** from a **data subject** (individuals who are physically in the EU), the regulation requires that **a privacy notice is provided to the individual at the time personal data is first collected.**

- > ARIBA systems affected: **P2I, eTravel and eReimbursement**
- > UW Privacy Office/UW Central Offices – Process rollout in two phases:
 - Phase 1 - Effective March 5, 2019 (what we're learning today)
 - Phase 2 - Coming in Spring 2019 (TBD)

But what is GDPR personal data and who is a GDPR data subject?



Personal Data

Guidance from the **UW Privacy Office**:

“Personal data” means any information relating to an identified or identifiable natural person ('data subject') ... (GDPR Article 4(1)) (6)

☐

GDPR personal data can be... (7)

- Name
- Identification number
- Location data
- Physical address
- Email address
- Photograph
- Video
- Voice recording
- Biometric data
- Online identifier



Examples of personal data (7):

“A name, identification number, location data, physical address, email address, IP address, radio frequency identification tag, photograph, video, voice recording, biometric data (eye retina, fingerprint, etc.), or an online identifier of one or more factors specific to the physical, physiological, genetic, mental, economic, cultural, or social identity of a natural person.”

Example

Question: If a person who resides in the EU, but is in the US (traveling for say a speaking engagement), was in the US when providing personal data, does this fall under the EU GDPR or not?

Guidance from UW Privacy Office:

- > UW would not consider the personal data provided to UW while the speaker is in the US to be within scope.
- > However, there will likely be personal data provided by the speaker from the EU *before and after* the US visit (ex. making arrangements for the speaker's visit, the provision of the speaker's CV/resume to describe the speaker in promotional materials, information for expense reports/reimbursements after the event, etc.).
- > So... while the provision of personal data provided *during* the US visit is *out of scope*, the provision of personal data *during interactions while the speaker is in the EU may still be in scope*.

Data Subject

Guidance from the UW Privacy Office:

Who is a **data subject**?

“At UW, we consider someone who provides personal data while in the EU (regardless of residency or citizenship) to be a data subject.”

“This is based on GDPR language which focuses on the presence or location of an individual: “[GDPR] applies to the processing of personal data of data subjects who are in the [European] Union...” (GDPR [Article 3\(2\)](#)) (8)”

Example

Guidance from the UW Privacy Office:

Examples of **data subjects** could include:

- > Prospective UW students who submit applications for admission from the EU
- > Seattle-based UW faculty engaged in international fieldwork who provide HR-related information from the EU



In these examples, status as a data subject doesn't hinge on EU citizenship, EU residency, etc. Rather, the individuals' **physical presence in the EU** is the key factor.

PHASE 1 – Effective March 5, 2019 ⁽³⁾

What's new

- > UW-wide [EU GDPR Privacy Notice for Ariba Submissions for Individuals](#) ⁽⁹⁾
- > ARIBA systems affected: P2I, eTravel and eReimbursement

Use when:

- > The preparer is the payee; or
- > Someone (e.g. fiscal specialist) is preparing a submission on behalf of a payee

PHASE 1 – Effective March 5, 2019 ⁽³⁾

What do I need to do?

At the time you **begin collecting information** from an individual:

- > Ask **Traveler**, *“Are you physically in the EU when you are providing personal data for this reimbursement?”*

- > If **Traveler** responds **YES – they are physically in the EU**:
 - **Provide** the [EU GDPR Privacy Notice for Ariba Submissions for Individuals](#)
 - When Ariba prompt appears, **check the box** to complete your submission

ER365574: Untitled Expense Report

Use 'Add Item' tab to enter expenses. Click 'Done' to view and correct any errors and policy violations; then click 'Continue'. [eTravel Help Pages](#)

Summary

Trip Name:

Type of Traveler:

Traveler/Claimant:

Claiming Expenses On Behalf Of Another? Yes No

Personal Time Taken: Yes No

Personal Time Info: [Personal Time](#)

Purpose of Trip:

Business Location:

Business Dates:

What receipts are required? <http://f2.washington.edu/fm/travel/receipts>

I confirm that all data has been collected in compliance with EU GDPR including delivery of any required notifications:



For guidance on creating an EU GDPR notification, please refer to:
<https://privacy.uw.edu/design/provide-privacy-notice/#exemplenotice>.

PHASE 1 – Effective March 5, 2019 ⁽³⁾

If **Traveler** responds **NO – they are not physically in the EU:**

- > **Add a comment in Ariba**, *“Payee was not physically in the EU when payee provided personal data for this reimbursement.”*
- > When Ariba prompt appears, **check the box** to complete your submission.

Documentation ⁽³⁾

You and/or your department no longer need to create or maintain your own EU GDPR privacy notice (yay!)

If you and/or your department previously created and implemented your own EU GDPR privacy notice, please:

- > retire and archive your department notice; and
- > begin using the University-wide [EU GDPR Privacy Notice for Ariba Submissions for Individuals](#). ⁽⁹⁾

PHASE 2 – Coming in Spring 2019 ⁽³⁾

- > Process will be more streamlined
- > ARIBA prompts will be revised by UW Procurement Services
- > Checkbox will be removed
- > Reminder to provide privacy notice will be added
- > UW Privacy Office will provide further instructions at launch

Resources

(1) EUGCPR.org – The Regulation

<https://EUGDPR.org/the-regulation/>

(2) UW Privacy Office

<https://privacy.uw.edu/>

(3) UW Privacy Office email dated 3/5/2019

See FAS Website

(4) BBC – What is the EU and how does it work?

<http://www.bbc.co.uk/guides/zgjwtyc>

(5) Europa.eu – European Union – About the EU

https://europa.eu/european-union/about-eu/countries_en

(6) Art. 4 GDPR Definitions

<https://gdpr-info.eu/art-4-gdpr/>

(7) What is GDPR Personal Data and Who is a GDPR Data Subject?

<https://kirkpatrickprice.com/blog/what-is-gdpr-personal-data-and-who-is-a-gdpr-data-subject/>

Resources – con't

(8) Art. 3 GDPR Territorial Scope

<https://gdpr-info.eu/art-3-gdpr/>

(9) EU GPCR Privacy Notice for Ariba Submissions for Individuals

<https://www.washington.edu/privacy/notices/reimbursements/>

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Thank you



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