

# THE AOG - PART 14

## GDPR POLICY



31 August 2025

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## 1 Introduction

Wittenborg respects staff members' rights to have their personal data protected and treated carefully with care and respect. Rules related to privacy-sensitive data are laid down in the [General Data Processing Regulation](#) (GDPR) or AVG in Dutch (Algemene verordening persoonsgegevens). The General Data Protection Regulation (GDPR) has been in force since 25 May 2018.

In the context of processing personal data by Human Resources, the term Data Subject is used in the GDPR. This mainly concerns applicants, employees, guest lecturers, freelancers, interns and former staff members or otherwise engaged natural persons such as in advisory bodies. In this policy this group is being referred to as “staff member”.

This GDPR policy outlines specifically how Wittenborg treats the personal data of staff members.

All staff members should only use personal data for its intended purposes and should, principally, not supply said data to third parties. All personal data is treated confidential.

### 1.1 What Are Personal Data

The authority for protecting personal data in the Netherlands (AP) states that personal data is any information about an identified or identifiable natural person. This means that information is either directly about someone or can be traced back to this person. Data of deceased persons or of organisations is not personal data according to the AVG.

#### 1.1.1 Examples of Personal Data

There are many sorts of personal data, most common information is for example someone's name, address and place of residence. Telephone numbers and zip codes with house numbers are also considered personal data.

#### 1.1.2 Special Personal Data

Sensitive data such as a person's race, religion, or health is referred to as special personal data. These are extra protected by law. It is prohibited to process special personal data, unless there is a legal exception.

Special personal data is data about someone's:

- Racial or ethnic origin
- Political views
- Religion or beliefs
- Membership of a trade union/association
- Genetic data
- Biometric data for the unique identification of a person
- Health
- Sexual life
- Criminal past

Legal exceptions have been made for certain processing operations. One of the exceptions is that the Data Subject has given explicit consent to the processing.

### 1.1.3 Sensitive Personal Data

The GDPR also mentions sensitive personal data. Sensitive personal data can for example be:

- A copy of an identity document / residence permit
- The citizen service number (BSN) or foreigner's number (V-number)
- Data concerning ones performance
- Information with regard to a disability

## 1.2 Processing Personal Data

The AP sees “processing” as all actions that an organisation can perform with personal data, from collection to destruction. Acts that fall under the General Data Protection Regulation (GDPR) in any case are: collecting, recording, organizing, structuring, storing, updating or changing, retrieving, consulting, using, forwarding, disseminating, making available, bringing together, with data association, blocking, erasure and destruction.

### 1.2.1 Principles of Processing Personal Data

1. Any time personal data is processed, this is seen as an invasion of the privacy of the people concerned. Purpose of processing personal data should be clearly defined, there should be a necessity to process the data for this purpose and you may only process the data in case there is no other options.
2. In principle, as little data as possible should be processed. For example, if you want to send a newsletter to all your customers, you will need the email address, but for this purpose you do not need the customers date of birth.
3. A separate legal ground for each purpose for which you process data should be found. If you cannot find a ground, you may not process the data. Legal grounds for Wittenborg can be:
  - a. The data is needed to perform an agreement, for example Wittenborg students’ data related to the educational background is needed in order to determine whether a student can be admitted into a programme.
  - b. There is a legal obligation to process the data, for example information concerning salaries paid to employees are being shared with the tax office while declaring the income tax.
  - c. The person has given permission to process personal data.
  - d. Legitimate interest: You may process personal data if this is necessary to represent your legitimate interest. For example, if you want to fight fraud within your company.
4. These rules only apply to normal personal data, processing special personal data is prohibited, unless there is a legal exception.

### 1.2.2 Privacy Notice

When there is a legal ground for processing normal personal data, you have the right to do so. People must be informed about the processing of their personal data. This can be done via an (online) privacy notice. The ground must be registered in the privacy notice and in the processing register.

## **2 Wittenborg Privacy Notice for Staff**

Wittenborg is committed to protecting the privacy and security of your personal information.

This privacy notice describes how Wittenborg collects and uses personal information about you during recruitment, and during and after your working relationship with us in accordance with the General Data Protection Regulations (GDPR). Wittenborg is the party responsible within the meaning of the GDPR and therefore has the responsibility to comply with laws regulating the processing of personal data. This privacy notice applies to all applicants, employees, guest lecturers, freelancers, interns and ex-staff members or otherwise engaged natural persons such as in advisory bodies. In this policy, this group is being referred to as “staff member”.

### **2.1 Data Controller**

The Data Controller is Wittenborg University of Applied Sciences B.V., Brinklaan 268, Apeldoorn, The Netherlands. If you would like information about how your personal data is being processed please contact [dataprotection@wittenborg.eu](mailto:dataprotection@wittenborg.eu).

### **2.2 Data Protection Officer**

A data protection officer (DPO) has been appointed by Wittenborg. The DPO is responsible for ensuring the privacy rights and obligations for all those concerned, as well as monitoring compliance with GDPR legislation.

### **2.3 Security of Personal Data**

All staff members should be able to trust that their personal data is adequately protected. Wittenborg is legally obliged to protect personal data. As a natural person, you must be able to assume that your personal data is in safe hands. Therefore, Wittenborg has internal policies and controls in place to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by employees in the proper performance of their duties.

### **2.4 Types of Personal Data**

Wittenborg is a legal entity for higher education, a “university of applied sciences”. Its main purpose is to provide education. Wittenborg employs staff members and engages other faculty members. Therefore, the following personal data can be processed (not limitative):

The following sorts of personal data of a staff member will be processed by Wittenborg:

- Identification information: Full name, initials, academic titles, date and place of birth, nationality, and Citizen Service Number, and gender
- Contact details, including mobile phone number, private email address and living address
- Educational information, degrees and certificates obtained, work placements performed
- Financial information, such as bank account number

- Photos and video footage with or without sound of activities of the organization
- Previous employment information, including data concerning the nature, job description, start and termination of the previous employment
- Employment information, including data required for calculating, determining and paying
  - a. taxes and contributions
  - b. claims to benefits in connection with the termination of employment
  - c. pension entitlements
  - d. salaries, allowances and other sums of money and rewards for the benefit of the staff member
- Data which in the interest of the staff member are recorded in view of their working conditions
- HR related information, such as
  - a. data on personnel assessment and career counselling, in so far as those data are known to the staff member
  - b. data concerning absence and leaves
- Research data: for example, data on published articles and scholarly activity
- Digital information; data concerning granted authorisations and access, as well as data relating to the use of passwords
- Other personal data than stated above, if the purpose legitimates the collection and processing of the personal data

## **2.5 How the Personal Data are Obtained**

The personal data are mainly provided by the staff member, either on commencing employment or during the further engagement at Wittenborg.

The staff member is responsible for checking and timely providing the correct data for registering the correct name, address details, IBAN number etc. in the personnel administration.

## **2.6 Access to the Personal Data**

The following persons can have access to the personal data:

1. The Executive Board
2. The HR Department
3. The direct manager/Head of School
4. The Financial Administration
5. The IT Department responsible for the technical and operational protection
6. The DPO
7. The data processor
8. The system owner

## **2.7 Purpose of Processing**

Personal Data is being processed with the following purposes:

### 2.7.1 Applicants

1. To assess whether an applicant is suitable for a position at Wittenborg
2. To handle possible expenses incurred by the applicant
3. Internal control and corporate security
4. The implementation or application of legal provisions

### 2.7.2 Staff Members

1. To handle with personnel matters
2. To perform personnel and payroll administration
3. To facilitate payments of salary entitlements, allowances, and other amounts and remunerations for the benefit of the staff members
4. For calculating, recording, and paying taxes and contributions for the staff member
5. For the implementation of employment and labour conditions
6. Training the staff member
7. Managing and supervision of the staff member
8. For granting resignation
9. To determine arrangements for entitlements to unemployment benefits, related to the termination of an employment contract
10. The occupational health care of the staff member
11. The election of the members of the staff representation or faculty council
12. To create a list of dates of birthdays, anniversaries, and other festivities
13. Dealing with disputes and carrying out audits
14. Recovering financial claims, including handing over such claims in the hands of Third Parties
15. Internal control and corporate security
16. Enforcing or applying legal regulations
17. Securing and improving Wittenborg website
18. Archive management
19. Compiling user statistics (with anonymised data)
20. Providing access to buildings or information systems

### 2.7.3 Former Staff Members

1. To stay in touch with a former staff member
2. Dealing with disputes and investigation
3. Complying with legal regulations

## 2.8 Staff Members' Rights

Staff members have a number of rights with regard to their personal data:

### 2.8.1 Right to be Informed

Staff members have the right to be informed regarding which personal data are processed.

### 2.8.2 Right of Access

Staff members have the right to access the personal data collected in respect of their person. Upon your request you will receive an overview of the personal data processed within two weeks.

### 2.8.3 Right to Rectification

Staff members have the right to demand that their incorrect personal data is rectified. Staff members on payroll are all recorded in the personnel portal NMBRS. A staff member can easily access NMBRS and change the data themselves.

### 2.8.4 Right to Restriction

Staff members have the right to temporarily restrict the processing of personal data, for example, pending the outcome of a disciplinary procedure. In this case the data will not be recorded, processed or shared with third parties pending the procedure.

### 2.8.5 Right to be Forgotten/Erasure

Staff members have the right to apply for personal data to be erased from their records. There are limitations if personal data needs to be kept as prescribed by law during a specific term.

### 2.8.6 Right to Object

Staff members have the right to object against further processing of its data.

### 2.8.7 Exercising Rights

If a staff member wishes to exercise one of these rights, a request can be made by sending an email to [dataprotection@wittenborg.eu](mailto:dataprotection@wittenborg.eu). In case of invoking the rights mentioned at 2.6.3, 2.6.4, 2.6.5 and 2.6.6, reason for the request must be given. The request will be coordinated by the Data Protection Officer (DPO) and dealt with in consultation with the Executive Board.

### 2.8.8 Restriction of Personnel Rights

Any internal working documents, emails, and notes of management and/or HR employees containing the personal considerations of a manager or HR employee and that are exclusively intended for internal consultation and deliberation, are not subject to these staff members rights.

## 2.9 Data Portability

A staff member can request Wittenborg to send their personal data to another, third body/authority. A request can be done by emailing [dataprotection@wittenborg.eu](mailto:dataprotection@wittenborg.eu).

## **2.10 Disclosure of Personal Data to Third Parties**

Wittenborg makes use of several types of digital systems for, for example its personnel and salary administration, registration of sickness and pension schemes. These systems are made available by various service providers. The parties who process personal data commissioned by and on behalf of Wittenborg are regarded as data processors.

Wittenborg has the obligation to agree on processing agreements with these data processors. Agreements are also made with parties providing the technical and organisational security of the data. Personal data are not provided to any third parties other than beforementioned data processors unless Wittenborg is lawfully obliged to do so.

Apart from those mentioned in paragraph 2.6 and 2.11 personal data could be disclosed to:

1. The staff members in case it concerns their own personal data
2. Advisory bodies and committees in so far as necessary in view of their duties and powers
3. Third Parties if required by law (such as for instance the Tax Authorities, the Employee Insurance Agency (UWV), occupational health and safety services, or with the staff members' explicit consent

Your personal data are never sold to third parties.

## **2.11 Complaints**

If a staff member has a complaint about the processing of their personal data in relation to the stipulations in this policy, they are advised to file the complaint to the DPO. In mutual consultation a possible solution is being sought. If this is proven unsuccessful, a staff member can file a complaint to the Dutch Data Protection Authority or start legal proceedings at the competent court.

## **2.12 Privacy and Data Breaches**

A data breach refers to the loss of personal data, or if the loss or unlawful processing of personal data cannot be ruled out to a reasonable extent. Data breaches can be the result of criminal conduct, such as hacking, but also due to accidents, such as the incorrect submission of files or the loss of USB drives.

If you have reason to believe that unauthorised parties have gained access to the personal data of staff please report this at the soonest by sending an email to [dataprotection@wittenborg.eu](mailto:dataprotection@wittenborg.eu).

The procedure for analysing, solving and if necessary, reporting the data incident to the Dutch Data Protection Authority, will come into force.

## **2.13 Deleting Personal Data**

- Personal Data are processed no longer than is necessary for the processing purposes. In that respect, the applicable statutory periods of retention and destruction will be observed.
- Unless a shorter or longer term is considered appropriate or necessary for compliance with relevant laws and regulations, all personal data of staff members will be deleted from the filing systems no

later than two years after termination of employment or work, or two years after termination of pension entitlements.

- Data of unsuccessful job applicants will be deleted as soon as possible on request of the applicant, and automatically no later than four weeks after the application procedure ended. With the applicants explicit consent the personal data may be kept for the duration of one year after the end of the application procedure.

## ***2.14 Processing Register***

Pursuant to article 30(5) of the GDPR, Wittenborg has the obligation to maintain records of processing activities in a processing register. This register will be made available to staff members under Staff Resources.

### **3 Final Provisions**

Wittenborg's Executive Board will ensure that these regulations are evaluated regularly and may change parts of the GDPR policy. Amendments to these regulations will be announced through Wittenborg staff announcements and the most recent version is always published on Staff Resources.

For questions or comments regarding these regulations, please email [dataprotection@wittenborg.eu](mailto:dataprotection@wittenborg.eu).

These regulations have for the first time been laid down by the Executive Board of Wittenborg on May 2018 .

## **4 Special Regulations for Use of Images and Videos of Staff Members**

The purpose of these regulations is to ensure that the collection, storage, and use of images and videos of staff members respect their privacy rights and comply with the applicable data protection laws, particularly the GDPR (AVG). These regulations apply to all individuals engaged with Wittenborg or its programmes and cover all instances where images or videos may be captured and used for marketing, promotional activities, and other related purposes.

### **4.1 Scope**

This policy applies to all individuals engaged with Wittenborg or its programmes, including full-time, part-time, temporary, permanent, and on-call employees, as well as staff members engaged on assignment basis, and interns. It covers:

- Photographs and video recordings taken during all day-to-day work and campus activities, as well as during (school) events.
- Images and videos used in marketing materials, social media, website content, and other promotional activities.
- Any other situations where staff members' images or videos might be captured and used by Wittenborg.
- Online events and meetings conducted via video conferencing platforms.

### **4.2 Consent**

#### **4.2.1 General Consent Requirement**

Explicit consent for capturing and using their images and videos is obtained from staff members as part of the onboarding process. This consent is documented and stored securely in the HR records and shared with the Communications team in cases where consent is not given.

#### **4.2.2 Event-Specific Consent**

For Wittenborg events where photography or videography will occur, staff members will be informed in advance along with the invitations.

Staff members have the option to opt-out of being photographed or filmed at such events. They can inform [communication@wittenborg.eu](mailto:communication@wittenborg.eu) before the event to do that. In cases of short-notice or impromptu events, without prior invitations, that are photographed or filmed, staff members can inform the photographer/videographer on site.

## **4.3 Use of Images and Videos**

### **4.3.1 Permissible Uses**

Images and videos of staff members may be used for marketing materials, website content, social media posts, newsletters, signs and screens, and other promotional activities that align with the school's mission and goals. Moreover, images and videos of staff members may be used for internal and external documentation, such as but not limited to, policy documents, year reports, accreditation documentation, etc.

Any use of images and videos must be consistent with the consent provided by the staff members.

### **4.3.2 Prohibited Uses**

Images and videos should not be used in any context that could harm the reputation or privacy of the staff members.

Unauthorized use or distribution of images and videos outside the agreed purposes is strictly prohibited.

## **4.4 Data Protection and Security**

### **4.4.1 Storage and Access**

Images and videos of staff members must be stored securely and access should be restricted to authorized personnel only.

Digital files should be protected with appropriate security measures, including encryption and secure access controls.

### **4.4.2 Retention Period**

Images and videos should only be retained for as long as necessary to fulfill the purposes for which they were collected.

Once the retention period has expired, images and videos must be securely deleted.

## **4.5 Rights of Staff Members**

### **4.5.1 Right to Withdraw Consent**

Staff members have the right to withdraw their consent at any time, unless an explicit consent form was signed for the image and use in question. If no explicit consent form was signed for the image and use in question, the school must cease using the images or videos of the staff member and ensure they are deleted from all storage systems and promotional materials upon withdrawal. In such cases, Wittenborg will remove the images or videos as soon as possible within a reasonable time which can take up to five working days.

#### **4.5.2 Right to Access and Rectification**

Staff members have the right to access their personal data and request corrections if any inaccuracies are found in the images or videos.

#### **4.5.3 Right to Object**

Staff members have the right to object to the use of their images and videos in specific contexts or for specific purposes, unless an explicit consent form was signed for the image and use in question.

### **4.6 Contact Information**

For any questions or concerns regarding this policy, or to exercise any of the rights outlined, staff members can contact: [communication@wittenborg.eu](mailto:communication@wittenborg.eu)