

WIAM

Winterthurer Institut
für Aktuelle Musik

WIAM Data Protection Policy

Oct 15th, 2020

WIAM needs to keep personal information about staff, students and other users who come into contact with the academy. This information is gathered in order to enable it to provide education and other associated functions. In addition, there may be a legal requirement to collect and use information to ensure that the school complies with its statutory obligations. WIAM complies with the *Swiss Federal Act on Data Protection (FADP) of June 19th 1992 (Status as of 1st of October 2020)*. However a revised FADP has been adopted by Swiss parliament in September 2020. It will be implemented in 2022. WIAM assures that its Data Protection policy will be adapted accordingly.

Purpose

This policy is intended to ensure that personal information is dealt with correctly and securely and in accordance with the Swiss Federal Act on Data Protection. It will apply to information regardless of the way it is collected, used, recorded, stored and destroyed, and irrespective of whether it is held in paper files or electronically.

All staff involved with the collection, processing and disclosure of personal data will be aware of their duties and responsibilities by adhering to these guidelines.

The following principles must be adhered at all times:

1. Personal data shall be processed fairly and lawfully
2. Personal data shall be obtained only for one or more specified and lawful purposes;
3. Personal data shall be adequate, relevant and not excessive
4. Personal data shall be accurate and where necessary, kept up to date
5. Personal data processed for any purpose shall not be kept for longer than is necessary for that purpose or those purposes
6. Personal data shall be processed in accordance with the rights of data subjects under the Swiss Federal Act on Data Protection of June 19th 1992
7. Personal data shall be kept secure i.e. protected by an appropriate degree of security
8. Personal data shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of data protection

General Statement

WIAM staff and students and others who are involved in personal information are committed to maintaining the above principles at all times. Therefore the academy will:

- Inform all relevant persons why the information is being collected when it is collected
- Inform staff and students when their information is shared, and why and with whom it was shared
- Check the quality and the accuracy of the information it holds
- Ensure that information is not retained for longer than is necessary
- Ensure that when obsolete information is destroyed that it is done so, appropriately and securely
- Ensure that personal information is protected from loss, theft and unauthorised disclosure, irrespective of the format in which it is recorded
- Share information with others only when it is legally appropriate to do so
- Ensure our staff and students are aware of and understand our policies and procedures

Review

This policy will be reviewed as it is deemed appropriate, but no less frequently than every 2 years. The policy review will be undertaken by the school principal, or nominated representative

Procedures for responding to subject access requests made under the *Swiss Federal Act on Data Protection of June 19th 1992 (Status as of October 1st, 2020)*.

Rights of access to information

Under the Federal Act on Data Protection (FADP) Art. 8 any individual has the right to make a request to access the personal information held about them.

Actioning a subject access request

1. Requests for information must be made in writing which includes email, and be addressed to the *WIAM data protection officer* (ramon.landolt@wiam.ch). If the initial request does not clearly identify the information required, then further enquiries will be made.
2. The identity of the requestor must be established before the disclosure of any information. Evidence of identity must be established.
3. The response time for subject access requests, once officially received, is 40 days (not working or school days but calendar days, irrespective of school holiday periods). However the 40 days will not commence until after receipt of clarification of information sought.
4. Third party information is that which has been provided by another, such as the Police, Local Authority, Health Care professional or another school. Before disclosing third party information consent should normally be obtained. There is still a need to adhere to the 40 days statutory timescale.
5. Any information which may cause serious harm to the physical or mental health or emotional condition of the student or another should not be disclosed, nor should information that reveal information relating to court proceedings.

6. If there are concerns over the disclosure of information then additional advice should be sought.
7. Information disclosed should be clear, thus any codes or technical terms will need to be clarified and explained. If information contained within the disclosure is difficult to read or illegible, then it should be retyped.
8. Information can be provided at the school with a member of staff on hand to help and explain matters if requested, or provided at face to face handover. The views of the applicant should be taken into account when considering the method of delivery. If postal systems have to be used then registered/recorded mail must be used.

Complaints

Complaints about the above procedures should be made to the school principal (albert.landolt@wiam.ch) who will decide whether it is appropriate for the complaint to be dealt with in accordance with the school's complaint procedure.

Staff Guidelines for Data Protection

- Staff should ensure that they are familiar with the Data Protection Policy. Compliance with the Swiss Federal Act on Data Protection is the responsibility of all members of WIAM (see http://www.admin.ch/ch/e/rs/235_1/) Any breach of the Data Protection Policy, whether deliberate or through negligence may lead to disciplinary action.
- Staff whose work involves the management of student data must ensure they observe the eight data protection principles (Page 1)
- Staff whose work includes the responsibility for supervision of students' academic work have a duty to ensure that students observe the eight data protection principles (Page 1).

Data Security

All staff are responsible for ensuring that any personal data, which they hold in electronic or paper format, is kept securely.

Personal information is not disclosed deliberately or accidentally either orally or in writing to any unauthorised party.

Staff should note that unauthorised disclosure will usually be a disciplinary matter.

Student Guidelines for Data Protection

- Students should ensure that they are familiar with the Data Protection Policy. Compliance with the Swiss Federal Act on Data Protection is the responsibility of all members of WIAM (see www.admin.ch/ch/e/rs/2/235.1.en.pdf) Any breach of the Data Protection Policy, whether deliberate or through negligence may lead to disciplinary action.

- WIAM processes data relating to students for a variety of purposes, as maintenance of the student record (including personal and academic details) a.o.

Students are responsible for:

Ensuring that all personal data provided to WIAM is accurate and up to date.

Students who, in the course of their programme of study or in research projects, process personal data must do so in accordance with the provisions of the the Swiss Federal Act on Data Protection and the WIAM Data Protection policy.

Subject Consent to Processing Personal Information

WIAM may ask for information about a student's or an employee's health for use in the event of a medical emergency. WIAM may also ask for information about an individual's criminal convictions, race and gender and marital status to ensure that WIAM is a safe place for everyone and to enable the Academy to operate policies like the Equality and Diversity Policy and to comply with legislation.

Retention of data

WIAM keeps some forms of information for longer than others, in line with Financial, Legal, or Archival requirements (not longer than 10 years, due to tax revisions).

WIAM

School Management

October 15th, 2020