

# Data Privacy e-learning Transcript

## 1.2 Foreword

Welcome!

I am Gabriele Thiede. I am CERN's Data Privacy Adviser and Head of the Office of Data Privacy (ODP).

If you are working at CERN, a visitor participating in a conference at CERN or one of CERN's contractors, it is very likely that CERN processes your personal data: to manage your contract, to pay your salary or to issue your access card, for example.

In doing so, CERN observes a strict data protection framework and handles your data only when necessary. CERN does not sell your data and does not use it for marketing or other unrelated purposes.

You – the data subject – are the sole owner of your personal data and only “lend” it to CERN so that your contract can be issued, your salary paid or your access card produced. You have a chartered right over your data, a right that is an essential part of CERN's data protection framework.

CERN has created this short online training course for everybody working at CERN in order to explain how CERN processes your personal data and to give you an overview of your rights as a data subject.

The ODP is your privileged point of contact for any questions and needs you may have with regard to your personal data. We can provide you with advice and assist you when you want to exercise your rights.

I hope you enjoy this learning experience.

## 1.3 Course objectives

At the end of this module, you should be able to:

- Identify personal data.
- List typical processing operations and distinguish between controlling and processing services.
- Describe CERN's obligations when processing personal data.
- Explain and exercise your rights as a data subject.

## 2.2 Data Protection framework

As an intergovernmental organisation, CERN is subject to international law and must enact its own rules and regulations. As CERN is not subject to national data protection law, Operational Circular No. 11 has been created, in line with Member States' and EU regulations, to ensure that the obligations of CERN and the rights of data subjects are well defined.

### 3.2 What is personal data?

Personal data is any information that relates to you.

Here are a few examples:

- Your Biographical information
- Your geographical location
- Your physical appearance or behaviour
- Your workplace-related data
- Any information regarding your health
- Your opinions – political or religious
- Your Financial situation
- Your car licence plate
- Your e-mail address

Literally any information that relates to you.

### 3.4 What is sensitive personal data?

Sensitive personal data is a special category of personal data.

Your physical and mental health, genetic or biometric data, racial or ethnic origin, sexual orientation and political, religious or philosophical opinions or beliefs are sensitive personal data and must always be handled with extra security.

### 4.2 What is data processing?

“Processing” means any operation that you perform on data, whether or not by automated means.

Here are a few examples:

When you register online for a conference, the organisers collect your data.

If you send an e-mail containing personal data, you share that data.

Service providers process your data when you subscribe to their platform.

Websites that you visit store data about you for a certain period of time.

CERN updates your personal record after you report a change of your private address.

Deleting data is also data processing.

Of course, there are many other ways to process data.

### 4.3 Services

At CERN, data processing is performed by services. They are either controlling or processing services.

The controlling service:

**Decides** WHY and HOW personal data is processed for their own purposes. The controlling service may directly collect data from data subjects or delegate the task to a processing service.

The processing service:

**Acts on behalf of**, and only on the instructions of, the relevant controller.

### Example

A visitor comes to CERN's main entrance. The reception collects data from the visitor and asks the database service to store that data. The visitor is the data subject; the reception and the database service are the data processor. Both services received instructions from CERN's site security service to collect and store visitors' data.

## 5.2 Requirements for processing

What are the requirements for data processing?

Processing is allowed if a lawful basis is in place, and if the data processing principles are observed by the controlling service.

First, let's have a look at the lawful basis...

## 5.3 Lawful basis

Before processing data, the controlling service must identify a lawful basis.

The most common one that you might be familiar with is consent, meaning that you agree to such processing.

Consent is not the only lawful basis. OC11 sets out five more lawful bases for processing.

1. Compliance with a legal obligation.
2. To pursue a legitimate interest, provided that this does not outweigh the privacy rights of the data subject.
3. Based on a contract with the individual, such as an employment contract.
4. For the preparation of statistics or scientific or historical research regulated by internal legislation and policies, such as CERN's archiving rules.
5. In case of vital interest, when saving someone's life in a life-threatening emergency requires processing their data and they are not capable of giving consent.

No single basis is 'better' or more important than the others.

## 5.5 Requirements for processing

Now that we know what the lawful bases are, let's focus on the data processing principles.

## 5.6 Data processing principles

In line with the six data processing principles, personal data must be:

- Collected only for specific legitimate purposes
- Adequate, relevant and limited to what is necessary
- Accurate and, when necessary, kept up to date
- Processed lawfully, fairly and transparently
- Stored only as long as necessary and deleted afterwards
- Protected with appropriate security

Each of these principles must be observed at all times.

## 6.2 Data subject rights

We have seen that the data controller has many responsibilities. In addition, OC11 affords you rights concerning your personal data.

You have the right to be informed about data processing and what data is being processed. You can access this data and correct it, or request that the controller do so. You may wish to store and transfer your data in a standard and portable format. In case of automated decision making or profiling that significantly affects you, you are entitled to express your views and have them taken into consideration. You can request that data processing be suspended or limited, and you also have the right to object and challenge the legitimacy of the processing. Finally, you have the right to be forgotten, by deleting your data or requesting that the controller do so.

## 6.3 How to exercise your rights

Each controlling service processing your personal data publishes its own privacy notices.

These notices tell you what personal data is collected and what the Organization does with it, how it uses your data, who it shares it with and how long it keeps it.

In each individual privacy notice, you will find not only documentation about the way your personal data is processed by the service, but also information on how to exercise your rights through a specific online form and a link to it.

You will find the link to the form [here](#).

In conclusion, the very first thing to do when you want to exercise your rights is to consult the relevant privacy notice.

### 6.5 Expand your knowledge

You can expand your knowledge by visiting the Office of Data Privacy website. You can also put your questions to the Data Privacy Adviser. To deepen your knowledge on this subject, you also have the possibility of following a classroom training course that takes place regularly.

### 6.6 Congratulations

Congratulations, you have completed the data protection course.  
Please complete the final exam on the learning hub.