



DigitalRightsFoundation
"KNOW YOUR RIGHTS"



Model Privacy Policy Document

This Model Privacy Policy has been drafted by the research team at the Digital Rights Foundation with the intention of being used as a prototype document by any and all schools, colleges, universities and educational institutions across the country to ensure better protection of the data of students, teachers, employees, and other stakeholders.

The Policy also includes recommendations from educators in Pakistan who we spoke to in the course of developing our study around the Virtual Learning Impact during COVID-19 (available under the Research tab on DRF's website), on how to improve privacy protocols and understanding in the education sector.

Disclaimer: This Model Privacy Policy is of a general nature only and not intended to address the specific circumstances and needs of any entity, organization or individual. Furthermore, the contents of this document neither constitute nor are intended to substitute legal or professional advice, and accordingly professional advice must be sought in relation to any particular matters.

While the information is considered to be true at the time of publication, however changes in circumstances after publication may affect the accuracy of the information contained herein; therefore, DRF does not warrant that it is complete, accurate, suitable or current.

I. Introduction

A. Current version of this policy

1. This policy will be regularly reviewed and updated to take account of new laws, technology, interests of students and the changing environment when required. Please ensure you have the current version of this policy. The last update was made in this policy on 26/01/2022.

2. This Model Policy has been made for educational institutions of different kinds and levels. The Institute will notify users of any changes to our Privacy Policy by posting the revised Privacy Policy with an updated date of revision on our Service. If we change this Policy in a material manner, we will do our best to notify you of the changes.

3. We will not make any material changes to our Privacy Policy that relate to the collection or use of the personal data of students or teachers without first giving notice to the student or their parents/guardians or teachers and providing a choice before personal data is used in a materially different manner than was disclosed when the information was collected.

4. The Educational Institute shall conduct awareness sessions and workshops to orient students, staff and other data subjects with the privacy policies. Information about the privacy policy should be given to all staff, students and guardians during orientation and included in the necessary student and employee handbooks.

B. Privacy principles

Our Privacy Policy is fueled by our commitment to these Privacy Principles:

1. No one shall be subjected to arbitrary interference with their privacy, family, home or correspondence, nor to attacks upon their honour and reputation. (Article 12 of UN Universal Declaration of Human Rights)

2. Adherence to the Constitution of Pakistan: “[T]he dignity of man and, subject to law, the privacy of home, shall be inviolable.” (Article 14(1) of the Constitution of Pakistan)

3. A firm commitment to safeguarding the privacy of all data subjects. We aim to provide you with information to understand your privacy rights and you can make use of your right to retain control over your information.

4. Clear recognition of the power dynamics and imbalances between students, employees, etc. and educational institutions, and between students and employees within these institutions. In addition, the recognition of impact of such asymmetries on areas addressed in this policy, such as consent.

C. Definitions/Essential Concepts

1. Personal information is any information that relates directly or indirectly to a data subject who is identified or identifiable from that information, or from that and other information in the possession of a data controller, including any sensitive personal data. This includes but is not limited to name, address, CNIC, phone numbers, family names and medical records.

2. Health information is data concerning health as personal data relating to the physical or mental health of an individual, including the provision of health care services, which reveals information about their health status.

3. Sensitive information is data relating to access control (username and/or password); financial information such as details of bank accounts, credit cards, debit cards or other payment instruments; passport information; biometric data; information on the data subject's physical, psychological or mental health conditions; medical records; details pertaining to an individual's ethnicity or religious beliefs; and any other information for the purposes of the Pakistan Personal Data Protection Bill, 2020 and rules issued thereunder.

4. Consent is any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her

5. Third Parties are an individual or individuals who are not a party to a contract or transaction; but have an involvement within it. In the context of educational institutions, third parties can typically be governing bodies or sponsors.

II. Privacy Policy

A. Information we collect:

1. Our Institute collects the following type of information:

a) Students' names, parents' names, addresses, contact numbers, email addresses, pictures, academic records [include all pieces of data collected at the point of admission, during their time at the educational institute and data collected of alumni]

b) Information will be collected on a strictly necessary basis, if it is directly connected to the provision of educational services.

2. When our Institute collects information about you, our Institute takes reasonable steps to advise you of how the information will be handled. This includes the purpose of the collection, and how to access, update and correct information held about you. For information about students and their families, a collection notice is provided to parents (or students who are mature minors) upon enrolment.

3. The Institute will specify the duration of storage of data within the collection notice. The Institute aims to keep your data only for an agreed upon period of time, and for any extension beyond that period, renewed consent will be taken from you upon your graduation and departure from the Institute.

[Please fill out this sheet with the relevant types information and their specific retention periods, with explanations as to why certain information is kept longer than others]

TYPE OF INFORMATION	RETENTION PERIOD

B. How do we collect this information

1. Our Institute collects information in a number of ways, including...[please list all the types of ways information is collected from both teachers and students/parents and guardians]

C. Why we collect this information

1. Our Institution collects information about students and their families when necessary to...

a) [please state reasons for collecting data, ensuring you are as specific as possible about the type of data and reasons for collection]

b) For particularly sensitive data [including but not limited to biometric data, personal information such as name, address and contact information], explicit consent will always be taken before collection.

2. Our Institute collects information about staff, volunteers and job applicants...

a) [please state reasons for collecting data, ensuring you are as specific as possible about the type of data and reasons for collection]

D. When do we use or disclose information

1. Our Institute uses or discloses information consistent with xxxx privacy law, as follows.....

2. The information will be used to maintain enrollment records, process fees, [include an exhaustive list of all the ways the Institute uses personal information]

3. Information is only disclosed to lawful authorities under exceptional circumstances only to ensure compliance with the law while balancing the interests and welfare of the data subjects. This information is only to be disclosed when a written order is furnished from the proper authorities and measures will be taken to ensure that proper notice is given to impacted parties about the disclosure.

4. All data subjects will have the right to access their information held by the Educational Institution upon request. Such requests can be made in writing to the [insert name of office and designation of the point person for this]. If information on the record is deemed to be inaccurate or out-of-date, then an application can be made to rectify the information.

E. Who has access to your personal information

1. [Please state the designation and official contact information for official responsible for data governance, followed by a list of personnel who have access to the personal information of relevant parties]

2. [Please ensure that variation in access depending on each piece of information is also accounted for.]

F. Disclosure of Personal Information to Third Parties

1. The Institute does not rent or sell personal information to third parties nor does the Institute disclose bank account, credit card or other personal financial information to third parties other than as necessary to complete a credit card or other financial transaction or as required by law.

2. We do not sell your personal information to third parties. This section explains circumstances in which we may share personal information with third parties.

3. The Institute may be legally bound to cooperate with and implement lawful directives/Authority Requests including such requests from Pakistan's Higher Education Commission and other governmental departments, in which case we will ensure that utmost transparency is maintained in accordance with the above clauses specifying information disclosure and consent from students/parents/guardians and employees of The Institute.

III. Virtual and Remote Learning amid COVID-19

A. Platforms and Softwares in Use

1. For remote learning purposes, the Institute uses the following platforms and e-learning forums
[please list any platforms used and the reasons for using those specific platforms. For instance, why one platform was preferred over another and whether privacy provisions were involved in that consideration].
2. For privacy policies of specific platforms, please visit their website.

B. Information We Collect (specific to virtual learning)

1. The Institute collects and makes use of the following information for purposes of virtual learning: [Please state the information collected in addition to the general personal, sensitive and health information collected by The Institute upon enrollment]
2. When additional information is required by the Institute, staff, students and parents/guardians will be notified and asked for consent.
3. Lectures will be recorded and recordings retained (e.g. in the case of student-absence) with the complete knowledge of students. Students reserve the right to turn off their video cameras if they don't want to be seen on recordings. Recordings will be treated as the personal data of students and staff. As such, this data will not be shared with any third parties and will only be accessible to students and staff members directly related to the classes in question. The Institute will ensure that no storage of this data takes place on the software and platform on which recordings take place. Where such data is being stored, it will be handled on a case-by-case basis and relevant parties will be made aware.
4. The Institute remains cognizant of discrepancies and asymmetries of class, gender, sex and religion among other factors that affect the collection, use, sharing of data as well as the impact of non-consensual data disclosure. The Institute will take into account these social factors and ensure that the data of students and staff members remains protected and safe.

C. How We Collect This Information

1. Our Institute collects information in a number of ways, including...[please list all the types of information collected from both teachers and students/parents and guardians for virtual learning. This includes audio and video recording of lectures, screen grabs of lectures and other events in Institute, multimedia of students and employees of the Institute etc]

D. Why we collect this information

1. Our Institute collects information about students when necessary to... [please state reasons for collecting data, ensuring you are as specific as possible]

E. When we use or disclose information

1. Our Institute uses or discloses information consistent with xxxx privacy law, as follows...

2. The Institute will only use and disclose your personal information with your explicit consent. This is applicable to all your personal, sensitive and health data as well as digital data such as photos, video, screenshots, multimedia for social media and communication purposes among others.

3. The Institute will, in such a case, make the necessary arrangements to provide access to other students in consultation with the relevant student/parents. Where applicable, the Institute will allow recording to be made available through a safe portal for a limited period of time.

4. The school will also take necessary steps to minimize any privacy harms or potential risks of harms to students, including but not limited to keeping recordings or any multimedia for longer than 1 week after collection. For lectures or any student-involving activity, recordings will be paused when a student requires it to be.

5. Students, parents/guardians and employees of The Institute have the right to deny consent of any of the above mentioned data.

F. Who has access to your personal information

1. All terms stated in Section IV apply completely to The Institute's access policies regarding virtual learning. Please refer to the section for general stipulations. Additional details are below.
2. Only a select few individuals will have access to personal information stored by The Institute. This includes... [please state the designation of people who have access to the personal information of all relevant parties].
3. Should parents/guardians, students or any staff members have issues or concerns regarding the access of their personal information, they should contact [xxx]
4. Acknowledging the class and gender disparities and consequent asymmetries in perception of privacy harms and risks, The Institute will be sensitive to gender dynamics when considering whether it is appropriate to use and/or disclose students' data.

G. Disclosure of Personal Information to Third Parties

1. All terms outlined in Section II: F1, F2 and F3 apply completely in the case of The Institute's virtual learning model.

H. Cookies

1. A cookie is a small text file that a website can place on your computer's hard drive for record-keeping or other administrative purposes. Our Website may use cookies to help to personalize your experience on the Website. Although most web browsers accept cookies automatically, usually you can modify your browser setting to decline cookies. If you decide to decline cookies, you may not be able to fully use the features of the Website. Cookies may also be used at certain sites accessible through links on the Website.

I. Links to Other Websites

1. The Institute is not responsible for the practices or policies of platforms and the websites linked to or from the Website, including without limitation their privacy practices or policies. If you elect to use a link that accesses another

party's website, you will be subject to that website's practices and policies.

J. Children's Privacy Notice

1. This privacy notice supplements our Privacy Policy and provides additional information about how we collect, use and share personal information from children under the age of 13 (a "Child" or "Children").

2. Please review "Learn More" for more information about:

- How Children can use and register for our Service
- Restrictions placed on Accounts for Child Users
- Information collected and how the information is used
- Information disclosed
- No Third Party Tracking and No Targeted Advertising
- Choice: Access, Modify and Delete Child Accounts

IV. Accessing your information

A. Access to student information

1. All individuals, or their authorised representative(s), have a right to access, update and correct information that the Educational Institution holds about them.
2. Our Institute only provides Institute reports and ordinary Institute communications to parents who have a legal right to that information.

B. Access to staff information

1. Institute staff may seek access to their personnel file through the Institute's administrative department.

C. Storing and securing information

1. Our Institute takes reasonable steps to protect information from misuse and loss, and from unauthorised access, modification and disclosure. Our Institute stores all paper and electronic records securely, consistent with the Department's records management policy and information security standards.

D. Updating your information

1. We endeavor to ensure that information about students, their families and staff is accurate, complete, and up to date. To update your information, please contact our Institute's general office/[insert any other designated office].

E. Transparency and your choices

1. We take privacy very seriously. We strive to put you in control of the choices and decisions regarding your personal information. We understand that your personal information is important to you, and that is why you have choices in how your personal information is used and shared. We want you to have access to your personal information, so that you can help keep it as accurate as possible.

V. Terms of Use

A. For Informational Purposes Only

1. The Institute makes available the information on this Website for informational purposes only. You are solely responsible for the information you provide on this Website and for the information you use that you view on this Website. Information on this Website is not intended to be a replacement for direct consultation with the Institute; if you have questions or concerns, please contact the Institute directly.

B. Copyright and Trademark Information

1. The content included on this Website, such as data, text, graphics, logos, images and software and its compilation is the property of the Institute and/or its content suppliers and is protected by copyright and trademark laws.

C. License for Your Use

1. For any period of time that you use this Website and abide by these terms, the Institute grants to you a limited, revocable and nonexclusive license to access this Website for your use but not to copy, download or modify it, or any portion of it, except with the express written consent of the Institute.

D. Disclaimer of Warranties and Limitation of Liability

1. THE INSTITUTE MAKES NO REPRESENTATIONS OR WARRANTIES ABOUT THIS WEBSITE OR THE MATERIALS AND/OR CONTENT AND/OR LINKS ON THIS WEBSITE FOR ANY PURPOSE.

E. Applicable Law and Jurisdiction

1. By visiting this Website, you agree that these Terms for all purposes shall be governed and construed in accordance with the laws of Pakistan, without regard to principles of conflict of law, and that any action based on or alleging a breach of these provisions must be brought in a state or federal court. In addition, you agree to submit to the personal jurisdiction and venue of such courts.

F. Notification of Claims of Infringement.

1. If you are a copyright owner or an agent thereof and believe that any user submitted information or other content infringes upon your copyrights, you may submit a notification pursuant to xxxxx

VI. COMPLAINTS

A. The Institute is committed to protecting student privacy and takes complaints regarding privacy violations very seriously.

B. In order to do so, we welcome any comments or suggestions regarding privacy, and any complaints regarding privacy violations or abuse of data. We endeavour to have complaints resolved effectively with complete accountability within 30 days.

C. To report a breach of privacy, please contact [insert name, designation and contact information]. Students can also make an anonymous complaint by filling out our form here [insert form link].

D. Where complaints are not resolvable through the Institute, they will be handled and investigated by an independent ombudsperson. Ombudsmen are independent, free and impartial. Students have the right to remain private throughout the complaint process and can request specific staff to support them in the process. Please specify additional requests or adjustments in your complaint or form.

VII. MORE INFORMATION

A. Find out more about the privacy complaints process.

B. Information for parents

C. Institutes' Privacy Policy translations

D. How to Contact Us

1. If you have questions about the Terms, a query or complaint about privacy, please contact: [please insert designation and contact information for relevant authority]

VIII. RECOMMENDATIONS FOR THE EDUCATION SECTOR

A. Awareness raising

1. General awareness raising around campuses and by the management of institutions to bring greater understanding around the right to privacy and how it applies and affects all citizens of the country. Regular information sessions should be held at institutions to introduce students with the privacy policy at their Institute and reinforce its contents.
2. The salience of establishing a reason for the processing and collection/retention of data (including associated concepts such as “necessity” of interests) needs to be broached through awareness-raising programs in all institutions so that the importance of being responsible digital citizens can be highlighted.
3. The virtual learning model did not consider the element of intrusiveness brought in by switching to from-home modes of communication which displace individual sense of privacy and also assume that space is not an issue within every individual student and teacher’s home to conduct their online learning from.

B. Standard setting

1. Video recording of lectures to be treated as student and teachers’ personal data and should be recorded, saved and accessed only by relevant personnel and not all members of an institution. This data should not be indefinitely held and deleted as soon as it has served its purpose.
2. The Higher Education Commission (HEC) should set the standard for privacy protections. A lack of guidance was felt from the Higher Education Commission’s end by educators, this should be raised with the Commission as they are the overarching authority for the education sector in Pakistan.
3. Institutions and workplaces should provide separate SIM cards for professional or work-related engagements of their employees to protect their privacy during their off-duty hours.

4. Government (HEC, Institute departments) should roll out guidelines for virtual learning and then Institutes/Uni admins should use that as a starting point for their policies. Also, the policy must be explicitly communicated to teachers, students and parents by the educational institute.

C. Training

1. Adequate digital and technical literacy training to be imparted to all staff so that use of technology to stem impact from situations like COVID pandemic can be done safely and while maintaining a degree of personal privacy.

2. Teachers should be trained properly on how to ensure privacy, particularly should be given a course on how to prevent zoom bombing, hacking and virtual bullying.

D. Digital equality

1. There is greater impact of privacy infringement on female students and instructors, thus greater care should be taken if there is an expectation of asking them to provide their personal data in the course of their education.

2. Students who belong to areas with limited connectivity are more vulnerable to privacy fallouts and institutions should be more cognizant of catering to all students.