

Policy Identifier: Privacy Statement for Blended Learning

Policy Title:	Privacy Statement for Blended Learning
Description:	This policy explains the steps taken by the Institute to protect the right to privacy of students, staff members and associated individuals when conducting blended learning.
Author (Position):	Data Protection Officer
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Approved By:	Governing Body
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Privacy Statement for Blended Learning

1. Context

This is a statement of the practices of Marino Institute of Education (MIE), the data controller, when processing personal data for the specific purposes of face-to-face and online synchronous and asynchronous teaching, learning and assessment, including the recording of lectures, tutorials and exams, utilising digital software solutions (“blended learning”) to traditional teaching, learning and assessment practices.

2. Purpose

This policy explains the steps taken by the Institute to protect the right to privacy of students, staff members and associated individuals (“data subjects”) when conducting blended learning in accordance with Irish and European [Data Protection and General Data Protection Regulations \(GDPR\)](#) and should be read in conjunction with the [MIE Privacy Statement](#) and the Quality and Qualifications Ireland [Quality Assurance Blended Learning Guidelines](#)

3. Definitions

Personal Data: [Article 4 of the EU GDPR](#) defines personal data as “any information relating to an identified or identifiable natural person”.

Special Category Personal Data: [Article 9 of the EU GDPR](#) defines special categories of personal data as personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs or trade union membership, the processing of genetic data or biometric data for the purpose of uniquely identifying a persons, data concerning health or data concerning a natural person’s sex life or sexual orientation.

4. Lawful Basis and Purpose of Processing

MIE is committed to ensuring that personal data is processed fairly and lawfully in accordance with the principles of data protection as set out under [Article 5 of the EU GDPR](#).

4.1. Personal Data – General

MIE processes certain categories of personal data for the purposes of blended learning. These may include name, address, telephone number, email address, usernames and passwords, education and training records, assessment and examination scripts and results, date of birth, gender, image, voice, IP address.

[Article 6 of the EU GDPR](#) requires that MIE, as a data controller, must have a valid legal basis in order to process personal data. MIE relies on the following legal bases for the processing of personal data for the purposes of blended learning.

4.1.1. Personal Data – Students

In order to complete the registration process, students are required to read and agree to the [Terms and Conditions of Being a Registered Student in MIE](#), annually. Personal data collected during registration is obtained for the purposes of the provision of education via blended learning, and for related administrative and record-keeping purposes¹.

The personal data and special category personal data collected from you will be used only for the purpose(s) for which it was collected, which is to implement and manage all services and processes relating to students.

The information collected on this occasion will be processed on the basis of one or more of the following²:

- i. On a contractual basis;
- ii. On the basis of a legal obligation;
- iii. On the basis of consent; and
- iv. On the basis of Public Interest.

4.1.2. Personal Data – Staff

[Article 6\(1\)\(b\) of the EU GDPR](#) states, “Processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract”.

[Article 6\(1\)\(c\) of the EU GDPR](#) states, “Processing is necessary for compliance with a legal obligation to which the controller is subject”. MIE processes personal data as required to do so under Irish and EU law.

The information collected on this occasion will be processed on the basis of one or more of the following²:

- i. On a contractual basis;

¹ See [Record Management Policy](#) and [MIE Records Retention Schedule](#)

² There are six legal bases of processing under which MIE may process your personal data. See [Appendix 1](#) for examples of when these bases apply in MIE.

- ii. On the basis of a legal obligation;
- iii. On the basis of consent; and
- iv. On the basis of Public Interest.

5. Special Category Personal Data

Generally, when processing special categories of personal data for blended learning purposes, MIE will seek explicit consent from individuals under [Article 9\(2\)\(a\) of the EU GDPR](#). Exceptionally, special categories of personal data may be processed on one of the other legal bases set out in [Article 9\(2\) of the EU GDPR](#) as identified in [Appendix 1](#). It is necessary that [Appendix 1](#) distinguishes the lawful basis for the processing of personal data and the lawful bases for processing special category personal data ([Article 9\(2\)\(b\)-9\(2\)\(j\) of the EU GDPR](#), except where another legal basis applies (see [Appendix 1](#))).

6. Data Security

6.1. Personal Data

Personal data and special category personal data is stored confidentially and securely on all MIE software applications for the provision of digital teaching, learning and assessment as required by the [MIE IT Information Security Policy](#) and [MIE Policy on Cloud Computing Services](#). The Institute is committed to ensuring that the processing of personal data and special category personal data is safeguarded by appropriate technical and organisational security measures relevant to the processing in accordance with [Article 32 of the EU GDPR](#).

Personal data is stored on the Institute premises or on secure IT platforms within the European External Area (“EEA”) or processed in areas outside of the EEA by vendors which are subject to [Chapter 5 of the EU GDPR](#).

6.2. Software Applications for the Provision of Digital Teaching, Learning and Assessment

MIE maintains an onsite student records system, [MAESTRO](#), to administer student information.

[Moodle](#) is MIE’s Virtual Learning Environment³ and is used to access lecture notes, online assignments and other course-related activities.

The [Panopto Lecture Capture Service](#) is supported by [MIE IT Services](#) and allows staff to record, edit, share and stream video, audio, PowerPoint and screen capture content for

³ See [Virtual Learning Environment Policy](#)

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audiences such as colleagues, students, and other third parties or the public. It manages recordings using a cloud based content management storage system. Users can also record from within Moodle and post content directly to modules.

Turnitin is an internet-based plagiarism detection system used in MIE by students⁴. Online assignments using Turnitin in Moodle allow students to submit essays online and provide instructors with the functionality to give detailed feedback to students using annotations, rubrics, voice recordings and text. Turnitin is supported by [MIE IT Services](#) and is integrated into the MIE Moodle platform which offers a streamlined process for grading online assignments and checking academic integrity³.

Zoom is a video communication platform which is used for online teaching, learning and assessment purposes. A licence should be purchased and managed by IT so that the account remains under the control of MIE.

6.3. Data Transfers

We will only disclose information about you to third parties if we need to comply with our contractual duties or where we are legally obliged to do so, and where possible the personal data will be anonymised.

The Institute uses the services of third party vendors including Enovation Ltd. (Moodle), Zoom Video Communications, Inc., Microsoft, Turnitin LLC and Panopto for the purposes of blended learning. Data which is processed by third parties on behalf of MIE is processed under contract in accordance with data protection legislative requirements, specifically [Articles 28](#) and [46 of the EU GDPR](#).

In light of the judgment of the [European Court of Justice in Case C-311/18 Data Protection Commissioner v Facebook Ireland and Maximillian Schrems](#), MIE will not rely on the EU-US Privacy Shield as an adequate safeguard for international data transfers. In the event of international data transfers, MIE will use its best endeavours to ensure EU-level data protection.

6.4. Data Retention

In keeping with the [Principles of Data Protection](#) and in particular storage limitation, MIE retains personal data under the control of the Institute for as long as is necessary for the

⁴ See [Procedure for Preventing and Responding to Cases of Suspected Plagiarism](#)

purposes of the processing as defined in this notice, in accordance with the Institute's [Record Management Policy](#) and [Records Retention Schedule](#).

MIE has compiled detailed processing records, in accordance with [Article 30 of the EU GDPR](#). For further information on specific processing activities please contact the Institute's Data Protection Officer (see [Section 4.6](#)).

7. Data Subject Rights Under Data Protection Law

Under [Chapter 3 of the EU GDPR](#) data subjects have specific rights over how personal data relating to them is processed when under the control of MIE.

- 7.1. Right of Access – You have the right to request a copy of the personal data which is under the control of MIE and to exercise that right easily and at reasonable intervals.
- 7.2. Consent – You may withdraw your consent to MIE processing your personal data at any time when consent is the legal basis for the processing. To withdraw your consent, we require you to advise MIE in writing.
- 7.3. Rectification – You have the right to have inaccuracies in your personal data that is under the control of the Institute rectified.
- 7.4. Erasure – You have the right to have your personal data deleted where there no longer exists a legal basis or justification for retaining it, subject to exemptions such as the use of pseudonymised or anonymised data for scientific research purposes.
- 7.5. Object – You have the right to object to the processing of your personal data if the data is processed based on a legitimate interest or for the exercise of the public tasks of the Institute if you believe the processing to be disproportionate or unfair to you, or the personal data was processed for the purposes of direct marketing or profiling related to direct marketing.
- 7.6. Restriction – You have the right to restrict the processing of your personal data if you are contesting the accuracy of the personal data, the personal data was processed unlawfully, you need to prevent the erasure of the personal data in order to comply with legal obligations or you have objected to the processing of the personal data and wish to restrict the processing until a legal basis for continued processing has been verified.
- 7.7. Portability – Where it is technically feasible you have the right to have a readily accessible machine readable copy of your data transferred or moved to another data

controller where we are processing your data based on your consent and if that processing is carried out by automated means.

8. Further Information

What happens if you do not provide us with your information?

In some cases, you may decline to provide us with your personal data. However, if we believe that we require relevant information to fulfil our contractual and legal obligations effectively and properly, we may not be able to continue our relationship with you if you decline to provide us with that personal data.

For further information on data subject rights please contact the Institute's Data Protection Officer.

If you have any queries relating to the processing of your personal data for the purposes as specified in this policy or you wish to make a request in relation to your rights you can contact the Institute's Data Protection Officer (dpo@mie.ie):

Data Protection Officer	Oifigeach Cosanta Sonraí
Marino Institute of Education	Institiúid Oideachais Marino
Griffith Avenue	Ascaill Uí Ghríofa
Dublin 9	Baile Átha Cliath 9
Ireland	Éire

If you are not satisfied with the information we have provided to you in relation to the processing of your personal data for the purposes as specified in this notice or you are dissatisfied with how MIE is processing your data you can raise a concern with the Data Protection Commission at: <https://forms.dataprotection.ie/contact>.

9. Responsibility

MIE's Data Protection Officer is responsible for the information contained herein and the maintenance of this policy. This document will be reviewed and updated as required on a regular basis.

10. Related Documents

- 10.1. [Virtual Learning Environment Policy](#)
- 10.2. [MIE Privacy Statement](#)
- 10.3. [MIE IT Information Security Policy](#)
- 10.4. [MIE Policy on Cloud Computing Services](#)
- 10.5. [Terms and Conditions of Being a Registered Student in MIE](#)
- 10.6. [Record Management Policy](#)
- 10.7. [Records Retention Schedule](#)
- 10.8. [Blended and Online Learning and Quality Assurance Policy](#)
- 10.9. [MIE Staff & Students Code of Conduct for Use of IT Systems](#)
- 10.10. [MIE IT Acceptable Use Policy](#)
- 10.11. [Procedure for Preventing and Responding to Cases of Suspected Plagiarism](#)

Appendix 1 – Examples (Non-Exhaustive List) of Lawful Bases of Processing and when they Apply in MIE

Consent	Consent under GDPR must be freely given, informed and affirmative. Data subjects must have the right to withdraw their consent at any time and in an easy manner and must be informed of this right before consent is obtained.
Used for	Disability Service , Access Programme , Counselling Service , Health Service , Library , personal mobile numbers/email addresses for general housekeeping issues such as timetable changes, campus closures etc.
Contractual Necessity	Personal data may be processed where necessary for the performance of a contract to which the data subject is a party or in order to take steps at the request of the data subject prior to entering a contract.
Used for	Information needed to set up record ⁵ on MAESTRO. Student Image for ID card, class lists etc. Coursework/project based photos/images for publicity purposes, financial matters such as fees and grants and exams/assessments.
Legal Obligations	Personal data may be processed where such processing is necessary to comply with legal obligations that are imposed on MIE.
Used for:	Returns to Higher Education Authority (HEA) , Department of Employment Affairs & Social Protection (DEASP) and Student Universal Support Ireland (SUSI) .
Public Interest	It is lawful to process personal data where necessary for the performance of a task carried out in the public interests or in the exercise of official authority vested in MIE.
Used for:	Equal Access Survey to HEA (anonymised), StudentSurvey.ie , AHEAD survey and Graduate Destination survey.
Vital Interest	Only used in exceptional circumstances and in the vital interest of a Student or Staff.
Used for:	In the event of an emergency involving an MIE Student.
Legitimate Interest	This basis of processing is not generally available to public authorities in the performance of their duties.
Used for	Not used in MIE.

⁵ See [Record Management Policy](#)