



ALOHA COLLEGE MARBELLA

Data Protection Policy

| Policy Leaders: | Checked by: | Authorised by: |
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1. OBJETIVES

ALOHA COLLEGE MARBELLA FOUNDATION aims to ensure that all personal data collected for students, staff, parents, administrators, visitors and others are gathered, stored and processed in accordance with the General Data Protection Regulations (RGPD) and the Organic Law on Protection of Personal Data and Guarantees of Digital Rights (LOPDGDD).

This Policy applies to all personal data processing, regardless of whether they are hard copies or in digital format.

2. LEGISLATION AND GUIDES

This Policy complies with the requirements of the RGPD, the LOPDGDD and the Guides and Reports published by the Spanish Data Protection Agency (AEPD), among which the following should be highlighted:

- Guides for schools.
- Report on teachers' and students' use of applications that store data in the iCloud systems outside the educational platforms
- Guide on the use of video cameras for security and other purposes.

Likewise, ALOHA COLLEGE MARBELLA FOUNDATION website <https://aloha-college.com> complies with the requirements of the Law of Services and the Information Society and Electronic Commerce (LSSICE)

3. DEFINITIONS

- **Personal data:** any information relating to an identified or identifiable person ('the data subject'); an identifiable person is any person whose identity can be established, directly or indirectly, in particular such as a name, an identification number, location data, an online identifier or one or more elements specific to that person's physical, physiological, genetic, mental, economic, cultural or social identity.
- **Processing:** any operation or set of operations carried out on personal data or sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or modification, extraction, consultation, use, communication by transmission, dissemination or any other form of access, matching or interconnection, limitation, deletion or destruction.
- **Data controller or the responsible:** an ordinary or juridical person, public authority, service or other which, alone or jointly with others, determines the purposes and means of the processing.
- **Processor or person in charge:** an ordinary person or juridical person, public authority, service or other, processing personal data on behalf of the controller.

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- **Consent of the interested party:** any voluntary, specific, informed and unequivocal expression of will by which the party accepts, either by a declaration or a clear affirmative action, the processing of personal data concerning him/her.
- **Violation (or breach) of personal data security:** any breach of security that results in the accidental or unlawful destruction, loss or alteration of personal data transmitted, stored or otherwise processed, or used in an unauthorised manner.
- **Security Officer:** person or persons to whom the Head of Treatment has formally assigned the function of coordinating and controlling the applicable security measures.
- **Data Protection Officer:** person in charge of informing, advising and supervising compliance with data protection regulations.
- **Security Document:** document containing the technical and organisational security measures applied by the Controller to the processing of personal data.

4. DATA CONTROLLER

ALOHA COLLEGE FOUNDATION is responsible for processing the data of students, parents, employees, suppliers and others. It has elaborated the corresponding Record of Processing Activities that is summarized here:

DATA CONTROLLER: ALOHA COLLEGE MARBELLA FOUNDATION

Registration number: G92430040. Address: Urb. El Ángel, Nueva Andalucía, 29660, Marbella (Málaga). Telephone: (+34) 952 814 133. e-mail: communications@aloha-college.com. Data protection Officer: Mamen Fernández Trujillo (dataprotection@aloha-college.com).

PROCESSING ACTIVITY: Administration

- Purpose of the treatment: Administrative, fiscal and accounting management of the School.
- Categories of interested parties and personal data:
 - Customers, suppliers, employees: Individuals with whom a business or employment relationship is maintained.
 - Categories of personal data
 - Those necessary for the maintenance of the commercial or labor relationship.
 - Identification: name and surname, DNI, postal address, telephone, e-mail, signature.
 - Economic, financial and insurance: bank details for direct debit of payments.
- Conservation period: Accounting, fiscal and administrative information is kept indefinitely.

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PROCESSING ACTIVITY: Student data management

- Purpose of the treatment: Management of the school's students and the commercial relationship with parents or guardians. Marketing
- Categories of interested parties and personal data:
 - Students and parents or guardians: Individuals to whom the training service is provided and with whom commercial relations are maintained.
 - Categories of personal data:
 - Those necessary for the maintenance of the commercial relationship.
 - Identification: name and surname, DNI, postal address, telephone, e-mail, signature, image, nationality.
 - Economic, financial and insurance: bank details.
 - Personal characteristics: date of birth, place of birth.
 - Academic and professional data: academic record, profession.
 - Health data: relevant diseases, allergies.
- Conservation period: Accounting, fiscal and administrative information is kept indefinitely.

PROCESSING ACTIVITY: Human Resources

- Purpose of processing: Management of personnel and applicants.
- Categories of interested parties and personal data:
 - Employees: Individuals with whom the employment relationship is maintained.
 - Applicants for employment: Individuals who participate in the personnel selection processes of the school.
 - Categories of personal data:
 - Those necessary for the maintenance of the working relationship and for managing the personnel selection processes.
 - Identification: name and surname, DNI, postal address, telephone, e-mail, signature, social security number, image.
 - Personal characteristics: age, marital status, nationality, language.
 - Academic and professional: training, profession.
 - Employment details: job title, profession, employee's history.
 - Economic, financial and insurance: account number for payroll deposit.
 - Criminal and sexual record
- Conservation period: While the employment relationship remains in force and six years from the end of the relationship. Curricula vitae are kept for a maximum period of three years.

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PROCESSING ACTIVITY: Access control and video surveillance

- Purpose of processing: Security of persons and property
- Description of categories of data subjects and categories of personal data
 - Subjects: Individuals who access or attempt to access the facilities.
 - Categories of personal data: Images, name and surname, DNI.
 - Conservation period: The images are kept for a maximum period of 30 days from their recording. The record book is kept indefinitely.

5. ROLES AND RESPONSIBILITIES

This Policy applies to all personnel employed by ALOHA COLLEGE MARBELLA FOUNDATION and to outside organisations and professionals working for the school.

Staff who fail to comply with this Policy face disciplinary action by ALOHA COLLEGE MARBELLA.

5.1 PATRONATO

The Board of Trustees, the administration of ALOHA COLLEGE MARBELLA FOUNDATION, has the general responsibility of guaranteeing that the school complies with all data protection obligations.

5.2 MANAGEMENT

The Business Manager and member of the Management Team, Mr. Víctor Ranea, is **Responsible for the Security of ALOHA COLLEGE MARBELLA FOUNDATION**, in charge of coordinating and controlling the security measures applied by the school and included in the Security Document.

5.3 DATA PROTECTION OFFICER (DPO)

- ALOHA COLLEGE MARBELLA FOUNDATION has appointed Mamen Fernández, Attorney TIC & Compliance, DPO. She is the person who assumes the following functions:
- Inform and advise ALOHA COLLEGE MARBELLA FOUNDATION and its employees who deal with data processing of their obligations under the RGPD and other data protection provisions of the EU or Member States.
- Supervise the compliance with the provisions of the RGPD, with other data protection provisions of the EU or Member States and with the policies of ALOHA COLLEGE MARBELLA regarding the protection of personal data, including the allocation of responsibilities, raising awareness, and training of personnel involved in processing operations, and audits.
- Provide advice as requested on the data protection impact assessment and monitor its implementation.
- Cooperate with the supervisory authority.
- Act as the contact point of the supervisory authority for matters relating to processing, including prior consultation as referred to in Article 36 of the RGPD and consult, where appropriate, on any other matter.

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The email of the DPO is dataprotection@aloha-college.com and can be used to consult and communicate any matter related to compliance with data protection regulations of the school.

5.4 PERSONAL

All staff of ALOHA COLLEGE MARBELLA FOUNDATION is responsible for:

- Collecting, storing and processing any personal data in accordance with this Policy.
- Informing the school of any changes in their personal data.
- Contacting the DPO with any questions about compliance with data protection regulations and specifically in the following circumstances:
 - In the event of detection of a breach of this Policy.
 - In the event of doubt as to whether there is a legal basis for the processing of specific data.
 - In order to obtain the consent of the interested party, draft a legal informative text, deal with requests to exercise rights or transfer personal data outside the European Union.
 - If there is an evidence of a security breach (loss, theft, destruction, alteration, improper disclosure, improper access, etc.).
 - In the event of carrying out a new activity that may affect the right to data protection of the interested parties.
 - In the event of help being needed with a contract signed by the school or with any communication of data to third parties.

6. DATA PROTECTION PRINCIPLES

ALOHA COLLEGE MARBELLA FOUNDATION must comply with the following principles that the data protection regulations establish:

- **Law, loyalty and transparency.** The data must be treated in a legal and loyal manner, providing clear information to the interested parties.
- **Purpose limitation.** The purpose of data processing must be specific and limited.
- **Minimisation of data.** Only data that are strictly necessary for the development of the activity should be processed.
- **Accuracy.** The data must be accurate and up to date.
- **Limitation of the storage period.** Data must not be kept indefinitely for security reasons. It is necessary to determine how long it is necessary or legally obligatory to keep them.
- **Security, integrity and confidentiality.** Personal data must be kept safely in their entirety, of course, confidentially.

7. GATHERING OF PERSONAL DETAILS

Each processing of data must have one or more legal basis that legitimizes it.

Possible legal bases contemplated by the RGPD are:

- **Consent.** The interested party can decide whether or not he/she wants his/her data to be processed.
- **Execution of a contract or application of pre-contractual measures.** Processing is necessary for a contract to be fulfilled or carried out

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- **Legal Obligation.** The Responsible person or Manager must process the data to comply with a legal regulation.
- **Vital interest of interested party or another person.** This interest is above and beyond the protection of data for reasons of vital urgency.
- **Public interest or exercise of Public powers.** This legal basis is reserved, above all, for the treatment that may be carried out by public authorities.
- **Satisfaction of legitimate interest of the Controller or a third party.** For example: processing of data for video-surveillance purposes to protect the security of the facilities.

The legal bases for the processing of data registered by ALOHA COLLEGE MARBELLA FOUNDATION which are contemplated in this Policy have been duly included in the legal documentation available to the school in compliance with this regulation and in the legal information dossier drawn up for the interested parties.

With regard to the consent of the interested party, the following should be noted:

- It must be **expressed**, as a general rule. That is, it must be obtained with an affirmative in writing.
- It may be revoked at any time, without prejudice to the data processing prior to revocation.
- In Spain, a minor may consent to the processing of his or her personal data from the age of 14, except in exceptional cases. However, it is recommended that the processing of data of minors always be informed to their legal representatives.

8. COMMUNICATON TO THIRD PARTIES

In general, personal data will not be communicated to third parties, unless there is some legal basis that allows this (see section 7).

Specifically, the strictly necessary personal data may be communicated to those suppliers with whom the corresponding Data Processing Agreement has been signed, for providing a service to the school that necessarily implies access to personal data (of students, staff, etc.).

Likewise, strictly necessary personal data may be communicated to the Security Forces or to the competent public authorities, provided that the request is duly motivated and that it concerns a specific number of affected individuals, not the whole (for example, complete lists of students will not be provided).

9. EXERCISE OF RIGHTS

Interested parties (students, parents, etc.) may exercise the following rights:

- **Access** The interested party may request to be told what information about him/her is being processed by an entity.
- **Rectification.** The interested party may request that erroneous data that an entity has about him/her be rectified.
- **Deletion.** The interested party may request the deletion of data that an entity has about him/her.
- **Right to forget.** This right is exercised, above all, for Internet search engines, so that information is not linked that is considered incorrect or obsolete and harms the interested party.



- **Right to limit processing.** The interested party has the right to request that the processing of their data be limited or suspended.
- **Right to portability.** The interested party has the right to request that the entity that processes their data transfers them to another entity that will provide the same service.
- **Right of opposition.** The interested party has the right to oppose the processing of his/her data for certain purposes, such as advertising.
- **The right not to be the subject of automated individual decisions.** The interested party has the right not to be the subject of a decision taken by an entity about him or her, based solely on the use of computerised systems.

Rights must be exercised through the procedure indicated in the legal text that collect the documents/forms used to collect personal data.

There is a period of one month for dealing with requests to exercise these rights, which could be extended depending on the complexity.

An employee who receives or is aware that a data subject has exercised any of these rights should immediately inform the DPO.

10. VIDEO-SURVEILLANCE AND ACCESS CONTROL SYSTEM

ALOHA COLLEGE MARBELLA FOUNDATION has a video surveillance and access control system. There is a security guard who records the visits to school and several video surveillance cameras that comply with the provisions of the LOPDGDD.

The corresponding informative posters on the existence of the video cameras have been placed. This information can be extended by contacting the DPO.

11. PHOTOGRAPHS AND VIDEOS

ALOHA COLLEGE MARBELLA FOUNDATION obtains the express consent of the parents or guardians of minors to use their image for commercial or other purposes, as indicated in the legal dossier included for this purpose in the corresponding documents (e.g. registration form).

Images of minors may not be captured without the express consent of their parents or guardians.

The indications included in this sense in the "Acceptable Use of Assets Manual and Privacy Policy" that the employee is to adhere to will be taken into account.

12. SECURITY OF DATA PROCESSING

ALOHA COLLEGE MARBELLA FOUNDATION implements a range of security measures to protect the integrity and confidentiality of the personal information it processes. All personnel are obliged to comply with these security measures. These are summarized in the "Acceptable Use of Assets Manual and Privacy Policy" to which the employee is to adhere to.

13. DATA PROTECTION FOR DESIGN AND BY DEFAULT

ALOHA COLLEGE MARBELLA FOUNDATION has been implementing procedures to comply with personal data protection regulations for years.

ALOHA COLLEGE MARBELLA has carried out audits, reviews and risk analyses in order to adopt the necessary legal and security measures. All actions are documented and archived.

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The involvement and collaboration of the school's staff is essential to comply with data protection regulations. In addition to having the Head of Security and the Data Protection Officer, the staff has information resources on this subject on the AEPD website: <http://www.tudecideseninternet.es/agpd1/>

14. RELATED DOCUMENTATION

This Policy is supplemented by the following documents:

- Security Document
- Acceptable Use of Assets Manual and Privacy Policy

15. COMPLIANCE AND MAINTENANCE OF THIS POLICY

ALOHA COLLEGE MARBELLA reserves the right to take legal or disciplinary action against personnel who breach this Policy.

The DPO is responsible for supervising and maintaining this Policy, which will be updated at least every 2 years.