

Jenzabar One and the GDPR*

Committed to maintaining
the privacy and security
of our clients.



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TRANSCENDING EDUCATION

OVERVIEW

We at Jenzabar, Inc. ("Jenzabar") are committed to maintaining the privacy and security of our clients' data in a manner that aligns with, and helps our clients comply with, applicable regulatory requirements while providing an exceptional customer experience. To that end, Jenzabar has taken a continuous, multi-layered approach designed to ensure that the data that resides within our Jenzabar One product remains confidential and secure, and that the Jenzabar One product aligns with General Data Protection Regulation ("GDPR") requirements as well as best practices.

WHAT IS THE GDPR?

Overview

The GDPR went into effect on May 25, 2018. The regulation creates broad data privacy protections for individuals located in the European Economic Area ("EEA") and Switzerland ("Data Subjects"). The regulation's requirements apply to organizations that collect or handle the personal data of Data Subjects. As a result, the GDPR impacts nearly all organizations doing business in the EEA and Switzerland, as well as many organizations located outside of the EEA and Switzerland, and therefore affects many institutions of higher education.

Under the GDPR, Data Subjects are afforded certain rights with respect to their personal data collected or handled by or on behalf of data controllers (such as Jenzabar's clients). These rights include but are not limited to: (1) access; (2) transparency; (3) objection to processing; (4) erasure; (5) rectification; (6) restriction of processing; (7) rights related to automated decision-making, including profiling; and (8) data portability. These rights require organizations to be transparent with their data handling practices, including allowing Data Subjects to access and alter their personal data held by the organization under certain circumstances.

In addition to the above privacy rights, key elements of the GDPR include accountability and privacy by design. These principles require organizations to have in place robust and effective data governance structures and oversight processes.

Under the GDPR, organizations in breach of the GDPR's requirements can be fined up to 4% of annual global turnover or €20 million (approximately US \$22 million) (whichever is greater).

Key Terms

Data Controller - "The natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of Personal Data; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law." With respect to the products and services offered by Jenzabar, our clients are generally Data Controllers.

Data Processor - "A natural or legal person, public authority, agency or other body which processes Personal Data on behalf of the controller." In most cases, with respect to the products and services we offer, Jenzabar acts as a Data Processor on behalf of its clients.

Personal Data - "Any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person." This may include, in addition to common identifiers such as name, address, phone number, email address, birth date, and financial information, account data, IP address, and geo-location information. Personal Data also includes sensitive data elements, such as genetic or health information, religion and ethnicity, and biometrics.

Processing - "Any operation or set of operations which is performed on Personal Data or on sets of Personal Data, whether or not by automated means, such as collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction."

HOW JENZABAR ONE ALIGNS WITH THE GDPR

The GDPR is considered to be one of the most stringent data protection regulations in the world. We have incorporated GDPR principles throughout Jenzabar's products and services as a privacy and security baseline (regardless of whether our clients are located within the EEA). While Jenzabar has always been committed to protecting its clients' interests and data, the GDPR has provided an opportunity for Jenzabar to revisit and strengthen that commitment through continued enhancements of its product and service offerings. Indeed, Jenzabar has taken steps to ensure that our products and services -- such as Jenzabar One -- will have the capabilities in place to assist our clients with their GDPR compliance efforts.

Roles and Responsibilities

With respect to Jenzabar One, Jenzabar would generally be considered a Data Processor, as opposed to a Data Controller. This is because, to the extent that Jenzabar's products and services process Personal Data provided by clients (e.g., by hosting), the client is the one who controls such Personal Data by determining the purpose and means of processing that data and contracting certain functions to Jenzabar and other vendors.

As Data Controllers, Jenzabar's clients bear a burden of responsibility to ensure that their use of Jenzabar products enables them to be GDPR compliant if so required of them.

Facilitation of Data Subject Rights Requests

With the assistance of our outside privacy consulting partners, Jenzabar has identified features and practices that will allow clients to address Data Subject access and deletion requests. Jenzabar One also includes consent management functionality. Each data privacy request type allows for a requestor identity verification component, the first step in the process for most Data Subject rights requests.

- ▶ Under the GDPR, Data Subjects have the right to access (and also rectify) their Personal Data held by a Data Controller or Data Processor. The GDPR also gives Data Subjects the right to obtain a copy of their data in a portable format. With Jenzabar One, once the requestor's identity is verified, the requestor can receive a report containing a list of tables containing all data associated with that requestor, as well as a copy of the data exported to a series of text files.
- ▶ The GDPR grants Data Subjects the "right to be forgotten," which means that, in many cases, Personal Data must be deleted upon request. With Jenzabar One, once the requestor's identity is verified, a manual check can be performed to determine whether data can in fact be deleted (for example, it is not subject to a hold for defending a lawsuit or the requestor is not delinquent on a payment). If the request is granted, the data will be anonymized by removing key identifying data such as name, date of birth, address, and associated schools (please note that this procedure can be customized to anonymize additional data if desired by each client).
- ▶ The GDPR requires a Data Subject to explicitly opt-in to some uses of their Personal Data. With Jenzabar One, Data Controllers can determine the consent types they wish to collect from individuals. The Data Subject can indicate for each of these consent types if they grant or decline consent to processing of their Personal Data by Jenzabar.
- ▶ Jenzabar One's portal for actioning the foregoing GDPR requests provides users with three sample (customizable) forms and allows clients the option to require forms be submitted before permitting access to the portal by user type (i.e., student, alumni, etc.) or other criteria.

Security of Personal Data

The GDPR places certain obligations and expectations on both Data Controllers and Data Processors for the protection of Personal Data. Jenzabar has vested its Director of Information Security with governance and oversight of Information Security practices to identify and mitigate risk. This position operates with independence from other IT functions to ensure that Information Security needs and priorities are given the highest level of visibility within our organization. Our Information Security program is also designed to ensure that leading practices, security frameworks, and technological advances are identified, evaluated, and incorporated into our products and services. Strategic, third-party security specialists are also engaged to provide expertise on various Information Security related projects and initiatives. In order to implement appropriate protections, Jenzabar collaborates with its clients to understand and identify the Personal Data to be processed, where that data is located, and any restrictions on access to and the use, storage, and transfer of the data.

So that the products are continually evaluated and enhanced to support best practices, Jenzabar has assessed its various products' abilities to support key security and technology requirements. These requirements include, but are not limited to:

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| ▶ Logical Access Provisioning and Deprovisioning | ▶ Data Retention and Disposal |
| ▶ Logging and Monitoring | ▶ System Assessment |
| ▶ Encryption | ▶ Pseudonymization/Anonymization |
| ▶ Backups and Restorations | |

As for Jenzabar One specifically, its current functionalities support the data security measures identified above. For instance, clients can be assured that their data in Jenzabar One is encrypted both in transit and at rest by turning on this feature.

DATA PRIVACY AND SECURITY AT JENZABAR

Privacy and security have long been top priorities at Jenzabar. That is why we have taken great care in how we structure our data privacy and security programs. Privacy and security are of great importance to everyone at Jenzabar from our board and senior management to the working level. Our operating structure is outlined below.

Jenzabar Board	<ul style="list-style-type: none"> • Receives regular updates from Senior Management team • Treats privacy and security as top priorities 	
Senior Management	<ul style="list-style-type: none"> • Members of the Senior Management team work together to collectively oversee privacy and security initiatives 	
Working Level	<p>Information Security Committee</p> <ul style="list-style-type: none"> • Membership includes Information Security, Legal, Services & Support, IT, Product Development, and Partners 	<p>Privacy Team</p> <ul style="list-style-type: none"> • Membership includes attorneys and paralegals who focus on privacy

Jenzabar's GDPR initiative is a cross-functional effort. We designed our GDPR initiative in a way that can assist our clients meet their GDPR compliance requirements. Aside from the updates we've made to our software products, you can also expect the following from Jenzabar:

- ▶ **Client Data Processing Agreement:** We have included a Client Data Processing Addendum to our standard Master Agreement where relevant in order to address the requirements of Article 28 of the GDPR.
- ▶ **Data Protection Officer:** We have appointed a Data Protection Officer who has visibility into our data privacy and security programs, makes recommendations for improvements and leads regular meetings with relevant internal stakeholders.
- ▶ **GDPR Amendment Agreement for EU Clients:** We have GDPR Amendment Agreements for our clients located in the EU.
- ▶ **Data Protection Impact Assessment (DPIA) Process:** We have a documented DPIA Policy and Procedure, that we follow when assessing any new product offerings.
- ▶ **Data Subject Rights Policy and Procedure:** We have a documented Data Subject Rights Policy and Procedure to comply with and help facilitate data subject rights requests.

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CONCLUSION

The GDPR imposes obligations on Data Controllers and Data Processors and grants Data Subjects certain rights over their Personal Data, all in an effort to enhance the privacy of such data. Jenzabar One is pleased to offer clients the capabilities to meet these requirements.

Because Jenzabar strongly believes in protecting the Personal Data of its clients and its clients' students, faculty, staff, and other individuals, we will continue to adjust and enhance the data protection features of our Jenzabar One product to align with evolving regulatory requirements, industry expectations, and security threats, and to assist our clients with meeting their data protection obligations.

If you have additional questions on the efforts Jenzabar undertakes to protect Personal Data, please reach out to us at privacy@jenzabar.com.

* This white paper is provided solely for informational purposes and is not to be construed as legal advice or a comprehensive educational treatise on the GDPR. Jenzabar's position in this white paper is based on our understanding of the requirements of the GDPR and its impact on Jenzabar products and services as well as Jenzabar clients. Note that there may be Data Subjects rights that may not apply to all Jenzabar products.

About Jenzabar

Created out of a passion for education and a vision for technology, Jenzabar offers disruptive, innovative software solutions and services that empower students' success and helps higher education institutions meet the demands of the modern student. Over 1,350 higher educational campuses harness Jenzabar solutions for improved performance across campus and a more personalized and connected experience for the student. For further information, please visit jenzabar.com or on twitter @Jenzabar or LinkedIn.

