

The University of Mindanao with its vision to become a globally recognized institution providing quality, affordable and open education is committed to ensuring the privacy of our stakeholders as we thoroughly carry out the privacy practices that are applicable to all its Personal Information processing activities.

The University of Mindanao (*UM*) respect your right to privacy and the confidentiality of your personal data at all times.

The Privacy Policy explains the following:

- what are the personal data we collect and why do we collect it;
- who will use the personal data collected and how it will be used;
- to whom we share the personal data collected;
- how long we store and retain your personal data;
- how will the University of Mindanao handle data breaches; and
- what are the rights of the data subject with respect to their personal information collected?

The Terms of Agreement constitutes our contract with you. Please review the Terms carefully before **you sign-in**. By signing in, you acknowledge that you have accepted these Agreements and agree to be bound by them.

Other policies of the University of Mindanao (*the University*), which are not inconsistent with the Policy and the Terms, will remain valid. If any terms or provision of the Policy or the Terms shall be held invalid, illegal, or unenforceable, the remainder of the terms or provisions shall remain in full force and shall not be affected, impaired or invalidated.

DEFINITION OF TERMS

As stated in the **RA 10173** (<https://privacy.gov.ph/data-privacy-act>), the following are terms defined and used in this agreement.

Data subject – refers to an individual whose personal, sensitive personal or privileged information is processed by the organization.

Personal information - refers to any information whether recorded in a material form or not, from which the identity of an individual is apparent or can be reasonably and directly ascertained by the entity holding the information or when put together with other information would directly and certainly identify an individual.

Sensitive personal information - refers to personal information:

1. about an individual's age, color, race, ethnic origin, marital status, and religious, philosophical or political affiliations;
2. an individual's health, education, the sexual life or genetic of a person, or any offense committed by such person, the disposal of such actions, or the sentence of any court in such circumstances;
3. any issued documents by the government agencies peculiar to an individual which includes, but not limited to, social security numbers, previous or current health records, licenses, suspension or revocation, and tax returns; and
4. specifically established by an act of Congress or executive order to be kept classified.

PRIVACY POLICY

The University is committed to comply with the Data Privacy Act of 2012 and to cooperate fully with the National Privacy Commission (NPC). In this endeavor, UM committed to ensure the free flow of information and to protect and respect the confidentiality of your personal information.

We have provided examples below to explain our Policy fully in simple and clear language. These are not an exclusive list of what personal data we process, and how and why we process such data.

The Information We Collect, Acquire or Generate

We collect, acquire, or generate your personal information in forms, but not limited to written, photographic and filmed pictures, digital, or biometric records. Personal data collected may include information upon employment, the information we acquire attain or generate during your stay with us, and unsolicited information, particularly;

1. The information you provide us with your application for employment

Upon application for employment, we collect information on your personal circumstances and directory information such as – but not limited to name, complete mailing address, email address, contact number/s, age, sex, place of birth, date of birth, gender, civil status, religion, citizenship, blood type and any other health information, education, photos, and documents issued by government agencies peculiar to an individual.

2. Information we acquire or generate during employment

During your employment, we collect information on your education, marital status, attendance record, medical record, consent letter sign upon work for an employee identification card and other information gains from reference checking and background investigation. We will also obtain information for and in relation to co-curricular matters, such as outreach activities, study tour; as well as extracurricular activities, such as membership in labor organization and participation in competitions, seminars, and platforms. Alongside, we will also collect information in connection with any disciplinary incident/s, including accompanying sanctions that may be involved.

There will be various occasions when we acquire other forms of data (e.g., pictures or videos of activities you participated in, recordings from closed-circuit television cameras installed in the UM premises for security purposes, etcetera.) or generate statistical information such as institutional ranking and performance evaluation.

3. Unsolicited Information

In some instances, some personal information is sent to or received by us even without prior request. In such cases, the University of Mindanao is determined if such information should be kept or disposed of. If it is related to our educational interests, such information shall be treated with confidentiality, and we will immediately cause the disposal of such data in such a way that will protect your privacy.

RIGHTS OF THE DATA SUBJECT

The following are the rights written in the Implementing Rules and Regulations of Republic Act 10173, otherwise known as the Data Privacy Act of 2012:

Section 34. Rights of the Data Subject. The data subject is entitled to the following rights:

A. Right to be informed.

1. The data subject has a right to be informed whether personal data pertaining to him/her shall be, are being, or have been processed, including the existence of automated decision-making and profiling.
2. The data subject shall be notified and furnished with the information indicated hereunder before the entry of his or her personal data into the processing system of the personal information controller, or at the next practical opportunity:
 - a. Description of the personal data to be entered into the system;
 - b. Purposes for which they are being or will be processed, including processing for direct marketing, profiling or historical, statistical or scientific purpose;
 - c. Basis of processing, when processing is not based on the consent of the data subject;
 - d. Scope and method of personal data processing;
 - e. The recipients or classes of recipients to whom the personal data are or may be disclosed;
 - f. Methods utilized for automated access, if the same is allowed by the data subject, and the extent to which such access is authorized, including meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject;
 - g. The identity and contact details of the personal data controller or its representative;
 - h. The period for which the information will be stored; and
 - i. The existence of their rights as data subjects, including the right to access, correction, and object to the processing, as well as the right to lodge a complaint before the Commission.

B. Right to object. The data subject shall have the right to object to the processing of his or her personal data, including processing for direct marketing, automated processing, or profiling. The data subject shall also be notified and given an opportunity to withhold consent to the processing in case of changes or any amendment to the information supplied or declared to the data subject in the preceding paragraph

When a data subject objects or withholds consent, the personal information controller shall no longer process the personal data, unless:

1. The personal data is needed pursuant to a subpoena;
2. The collection and processing are for obvious purposes, including, when it is necessary for the performance of or in relation to a contract or service to which the data subject is a party, or when necessary or desirable in the context of an employer-employee relationship between the collector and the data subject; or
3. The information is being collected and processed as a result of a legal obligation.

C. Right to Access. The data subject has the right to reasonable access to, upon demand, the following:

1. Contents of his or her personal data that were processed;
2. Sources from which personal data were obtained;
3. Names and addresses of recipients of the personal data;
4. The manner by which such data were processed;
5. Reasons for the disclosure of the personal data to recipients, if any;
6. Information on automated processes where the data will, or is likely to, be made as the sole basis for any decision that significantly affects or will affect the data subject;
7. Date when his or her personal data concerning the data subject were last accessed and modified; and
8. The designation, name or identity, and address of the personal information controller.

D. Right to rectification. The data subject has the right to dispute the inaccuracy or error in the personal data and have the personal information controller correct it immediately and accordingly unless the request is vexatious or otherwise unreasonable. If the personal data has been corrected, the personal information controller shall ensure the accessibility of both the new and the retracted information and the simultaneous receipt of the new and the retracted information by the intended recipients thereof: Provided, that recipients or third parties who have previously received such processed personal data shall be informed of its inaccuracy and its rectification, upon reasonable request of the data subject.

E. Right to Erasure or Blocking. The data subject shall have the right to suspend, withdraw, or order the blocking, removal or destruction of his or her personal data from the personal information controller's filing system.

1. This right may be exercised upon discovery and substantial proof of any of the following:
 - a. The personal data is incomplete, outdated, false, or unlawfully obtained;
 - b. The personal data is being used for a purpose not authorized by the data subject;
 - c. The personal data is no longer necessary for the purposes for which they were collected;
 - d. The data subject withdraws consent or objects to the processing, and there is no other legal ground or overriding legitimate interest for the processing;
 - e. The personal data concerns private information that is prejudicial to the data subject, unless justified by freedom of speech, of expression, or of the press or otherwise authorized;
 - f. The processing is unlawful;
 - g. The personal information controller or personal information processor violated the rights of the data subject.
2. The personal information controller may notify third parties who have previously received such processed personal information.

F. Right to damages. The data subject shall be indemnified for any damages sustained due to such inaccurate, incomplete, outdated, false, unlawfully obtained or unauthorized use of personal data, taking into account any violation of his or her rights and freedoms as the data subject.

Section 35. Transmissibility of Rights of the Data Subject. The lawful heirs and assigns of the data subject may invoke the rights of the data subject to which he or she is an heir or an assignee, at any time after the death of the data subject, or when the data subject is incapacitated or incapable of exercising the rights as enumerated in the immediately preceding section.

Section 36. Right to Data Portability. Where his or her personal data is processed by electronic means and in a structured and commonly used format, the data subject shall have the right to obtain from the personal information controller a copy of such data in an electronic or structured format that is commonly used and allows for further use by the data subject. The exercise of this right shall primarily take into account the right of data subject to have control over his or her personal data being processed based on consent or contract, for commercial purpose, or through automated means. The Commission may specify the electronic format referred to above, as well as the technical standards, modalities, procedures and other rules for their transfer.

Section 37. Limitation on Rights. The immediately preceding sections shall not be applicable if the processed personal data are used only for the needs of scientific and statistical research and, on the basis of such, no activities are carried out, and no decisions are taken regarding the data subject: Provided, that the personal data shall be held under strict confidentiality and shall be used only for the declared purpose. The said sections are also not applicable to the processing of personal data gathered for the purpose of investigations in relation to any criminal, administrative, or tax liabilities of a data subject. Any limitations on the rights of the data subject shall only be to the minimum extent necessary to achieve the purpose of

said research or investigation.

FREQUENTLY ASKED QUESTIONS:

Who uses the data subject's info?

The personal information is accessed and used by the University of Mindanao personnel who have a legitimate interest in it to carry out their contractual duties.

How do we use your information?

We use your information within the bounds of the law as we carry out our responsibilities as an educational institution. This information shall be used for academic, administrative, historical, and statistical purposes.

We may utilize your information for purposes such as:

- evaluating applications for employment to UM,
- processing confirmation of incoming employees in preparation for work.
- recording, generating, and maintaining employees records of academic progress
- signing of consent letter for printing personal information in the employee's identification card such as Name, Date of Birth, Photo, Blood Type, SSS, TIN, PAG-IBIG, and PHILHEALTH numbers.
- recording, storing and evaluating employees performances such as DTR, evaluation, assessment, and other employees related data.
- Generating, recording, and maintaining records, whether manually, electronically of employees activities.
- establishing and keeping employees with general information in systems;
- sharing of grades with faculty members, and other legitimate purposes, for academic deliberations.
- processing application/s for scholarship and other forms of assistance.
- investigating incidents that relate to employees behavior or misconduct and by applying disciplinary actions.
- compiling and producing reports for statistical and research purposes:
- providing health, counseling, advising, career coaching, information technology, library, sports/recreation, transportation, parking, campus mobility, safety, and security services;
- managing and monitoring access to campus facilities and equipment;
- communicating official school announcements;
- sharing and marketing materials regarding school gatherings, occasions, developments, and accomplishments;
- soliciting participation in research and non-commercial surveys;
- establish guidelines for investigation of the applicant in order to ensure the security, safety, and health of employees, clients, and others, as well as safeguard the data, assets, and resources of all the personnel
- background investigation for reference checking before employment; work performances, Criminal history and incarceration records (within the last seven years), drivers record if applicable, credit record, employment history, court record, worker's compensation records, medical records, property ownership.

If we are to use your personal information other than our legitimate interests as an academic institution, will obtain your written consent for that specific purpose, unless you request us to use, share your personal information for such purpose, or processing without your permission is allowed under the Act or other applicable laws.

Who shall we share your information with?

We may share your information or personal data as permitted and required by law to third parties in order to pursue our legitimate interests as an educational institution.

Below are some examples of when we may share or disclose your personal information to others include:

- posting of employees schedule, field works, and whereabouts in bulletin boards within offices;
- sharing of information to parents, guardians, or next of kin, or individuals as required by the law as determined by the school to promote your best interests, or protect his/her safety, and security, and the health;
- providing academic institutions, private or public corporations, government agencies companies or the like, upon their request, with scholastic ranking information or certification of employment for the purpose of admission;
- sharing personal information with potential donors, funders or benefactors for the use of grants, scholarship, and other forms of assistance;
- distributing a list of graduates and awardees during commencement exercises;
- reporting and disclosing information to the NPC and other government bodies or agencies as compulsory by the law;
- sharing personal data information for accreditation and university ranking purposes (e.g., Philippine Association of Colleges and Universities Commission on Accreditation);
- conforming with court orders, subpoenas and/or other legitimate accountabilities;
- responding to inquiries verifying that you are an employee of the University of Mindanao;
- sharing academic accomplishments or honors and co-curricular or previously enrolled in, upon their request;
- publishing academic, extra-curricular achievements and success, including honors lists and names of awardees in school bulletin boards, website, social media sites, and publications;
- posting communications with editorial content, such as news information in University publications and social media sites.
- conducting surveys or research for institutional development;
- sharing directory information to schools' alumni association;
- marketing the activities and events of the school through the means of; videos, photos website posting, brochures, newspaper advertisements, media and live-streaming of University events; and physical and electronic bulletin boards
- the external ad can also be done through newspaper placements, radio ads, and online announcements

NOTIFICATION FOR CHANGES IN THE POLICY AND TERMS OF AGREEMENT

The University of Mindanao reserves the right to review, modify, and update our Policy and Terms of Agreement from time to time to keep abreast with new laws, University Policies and technological updates. The University will post and publish notice of any such modification, which shall be effective immediately upon publication.

For complaints, concerns, and questions regarding the collection and use of your personal information, you can contact our Data Protection Officer. Please be specific with your request and explain the reason for your request by writing to:



PRIVACY POLICY AND TERMS OF AGREEMENT FOR EMPLOYEES

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