



Inter American University of Puerto Rico
President's Office

**GUIDELINES, STANDARDS, AND PROCEDURES FOR THE PROTECTION
OF THE PRIVACY OF CONSUMER INFORMATION**

POLICY DOCUMENT G-0207-027

Introduction

Inter American University of Puerto Rico recognizes that there is a common interest in the educational system to protect the personal information of students and sponsors. The privacy of non-public personal information is a concern when reviewing the internal controls, procedures and security programs of the System's Central Office and the academic units of the University. It is necessary for the University to establish guidelines, policies and procedures related to protecting the privacy of consumer information and for its students and sponsors to be aware of them.

Inter American University adopts these guidelines, policies and procedures related to the privacy of consumer information that comply with applicable regulatory requirements. In addition, they provide for the creation of a notice that will help students and patrons of the University understand the risks related to the privacy of information. The privacy notice will detail the institutional principles regarding the protection of such information. In addition, it will keep everyone informed about the information that the University of Puerto Rico shares with third parties and will provide everyone with the option of not authorizing the sharing of his or her non-public personal financial information.

I. Legal base

These guidelines, policies, and procedures are promulgated pursuant to the authority vested in the President of the University by the Board of Trustees in the Bylaws of the Institution. They are in accordance with the Bylaws of the University, the Penal Code of Puerto Rico, and other applicable international, federal, and state laws.

II. Scope

This policy document applies to all academic units, departments, and the Central Office of the Inter American University of Puerto Rico System.

III. Purpose

The University recognizes that, in addition to providing excellent academic services to its students, it has an obligation to protect the privacy and integrity of its students and sponsors. To assist in fulfilling that obligation, the University establishes this document that presents the privacy objectives of Inter American University of Puerto Rico and guidelines to ensure that institutional processes are conducted in a manner that always protects consumer information.

IV. General objectives

- 4.1 Establish a formal document of privacy and data protection standards for students and sponsors.
- 4.2 Establish the necessary procedures to protect student and sponsor information and control the sharing of information with third parties.
- 4.3 Ensure that notices (initial and annual) are provided to students and sponsors regarding privacy and data protection guidelines and policies.
- 4.4 Establish guidelines regarding the conditions under which Inter American University of Puerto Rico may share non-public personal financial information of students and sponsors with affiliated or non-affiliated persons.
- 4.5 Establish guidelines to enable students and sponsors to prevent disclosure of protected information to non-affiliated third parties.

V. Specific objectives

- 5.1 Establish procedures and practices that protect the privacy of student and sponsor information.
- 5.2 Establish internal control guidelines for collecting, storing, transmitting, and disclosing such information.
- 5.3 Ensure compliance with applicable privacy laws and regulations.

- 5.4 Provide alternate methods to ensure that controls and procedures effectively protect student and sponsor information and the privacy of this information.
- 5.5 Create awareness among students and sponsors of the University's commitment to protect the privacy of their information.
- 5.6 Commit Inter American University of Puerto Rico to accept responsibility for the privacy of information and therefore, encourage it to act with the utmost care when processing, storing, transmitting, disclosing, or destroying student and sponsor information.

VI. Definition of terms

The definitions used in this consumer information privacy document are consistent with the terms and information contained in the laws and regulations applicable to the University regarding the protection/privacy of student and sponsor information. It is important to be familiar with these definitions to efficiently manage this privacy document. The following are definitions that will assist in the implementation of this policy document:

- 6.1 Consumer - Any person or entity that requests, obtains, or has obtained a service from the University, or person, company or institution that supports or has supported with its sponsorship or patronage the University.
- 6.2 Affiliated - Any academic unit, school, or agency that is part of the University or under its jurisdiction.
- 6.3 Clear and conspicuous - An attribute that makes an information notice reasonably understandable and is designed to draw attention to the nature and significance of the information contained in the notice.
- 6.4 Student - A person who applies for admission to the University, is enrolled or has been enrolled in the academic system of the University.
- 6.5 Control - It is accepted that there is control when a company or institution:
 - 6.5.1 Owns, controls, or has the power to obtain 25% or more of the issued and outstanding shares of a company, either directly or indirectly, or acting through one or more persons.

- 6.5.2 Controls in some way the election of many directors, trustees, partners or trustees of a company or institution.
- 6.5.3 May exercise, directly or indirectly, an influence on the management or policies of the company or institution.
- 6.6 Financial information:
 - 6.6.1 Financial information that the student or sponsor provides to the University personally to obtain services.
 - 6.6.2 Information concerning a student or sponsor resulting from a transaction involving a service.
 - 6.6.3 Information the University obtains from a student or sponsor in providing services to the student or sponsor.
- 6.7 Non-public personal information Non-public personal financial information and non-public personal health information.
 - 6.7.1 Non-public personal financial information means:
 - 6.7.1.1 personally identifiable financial information.
 - 6.7.1.2 Any list or description of students or sponsors derived from non-public personal financial information.
 - 6.7.2 Non-public personal health information means:
 - 6.7.2.1 health information that identifies the individual who is the subject of the information.
 - 6.7.2.2 health information with respect to which there is a reasonable basis to believe can be used to identify the individual.
 - 6.7.3 health information - means any information or data, except age or gender, whether oral, written, or reproduced by any method, made by or from a health care provider or the student or sponsor regarding the student or sponsor:
 - 6.7.3.1 The past, present or future physical, mental, or behavioral condition of a person.

6.7.3.2 The provision of health services to an individual.

6.7.3.3 Payment for health services provided to an individual.

6.8 Sponsor - A person, company, institution, or entity that supports the University with its sponsorship or patronage.

6.9 Client relationship - an ongoing relationship between a student or sponsor and the University under which the University provides services to the former for personal, family or household-related purposes.

6.10 Unaffiliated Third Party - Any person except:

6.10.1 An affiliate of the University.

6.10.2 A person employed jointly by the University and any other entity that is not affiliated with the University.

VII. Types of risks

University officials should be aware of the inherent and potential risks in the performance of their duties. Failure to protect the privacy of student and sponsor information by disclosing confidential information can have an adverse impact on students, sponsors, and the University, both in the short and long term. Therefore, it is of utmost importance to identify and assess risks such as the following:

7.1 Non-Compliance Risk - Failure to comply with applicable laws and regulations or University guidelines, standards and procedures related to consumer information privacy.

7.2 Transactional risk - Failure to comply with regulatory requirements to protect consumer information and privacy when conducting a transaction.

7.3 Reputational risk - Failure to develop and retain the trust of students and sponsors when handling confidential information.

VIII. Risk management

The University will establish operational procedures to identify and control the risks inherent in protecting the privacy of student and sponsor information. These procedures will require that the University:

- 8.1 identify risks at each stage of your operations.
- 8.2 Understand the implications of the risks.
- 8.3 Develop systems to address and control risks.
- 8.4 Establish and maintain acceptable risk parameters.

IX. Notice to inform about the protection of consumer information

- 9.1 To help students and patrons (existing or prospective) of the University understand privacy issues, a detailed notice of their rights and options will be provided. This notice will also provide each with the right to prevent the sharing of certain information with non-affiliated third parties and will include disclosure of the University's guidelines and standards regarding the protection of this type of information. The disclosure will also address the following topics:
 - 9.1.1 The institution's privacy practices before any personal information is shared.
 - 9.1.2 The security of information obtained from students and sponsors, and the protection of such information from unauthorized access.
 - 9.1.3 Security to prevent unauthorized disclosure of information and protection against loss of such information.
- 9.2 At the time a student or sponsor initiates dealings with the University, the required initial privacy notice will be provided to the student or sponsor in writing. An oral description of the initial notice is not considered adequate. The University may require from the student or sponsor a written acknowledgment that it received the initial notice, or may reasonably expect the student or sponsor to have received the initial privacy notice, if the notice:
 - 9.2.1 It was hand delivered to the student or sponsor.

9.2.2 Mailed to the last known address of the student or sponsor.

- 9.3 When a student re-enrolls, the requirement to provide the initial notice will be deemed to have been met if a new notice is provided to the student or provider, or if the most recent initial or annual notice is of equal applicability.
- 9.4 Initial notices may be provided within a reasonable time after the student or sponsor relationship is established if providing the notice at the time the relationship is established will substantially delay the transaction and the student or sponsor agrees to receive the notice later.
- 9.5 The University will annually provide its clients and sponsors with a clear and conspicuous notice that adequately reflects its confidentiality policies and practices. "Annually" means at least once within a period of 12 consecutive months for as long as the relationship subsists.

X. Content of initial and annual notices

The initial and annual privacy notices will contain the following information:

- 10.1 The categories of non-public personal financial information that the University collects.
- 10.2 The categories of non-public personal financial information that the University discloses.
- 10.3 The categories of affiliated and non-affiliated third parties to whom the University discloses non-public personal financial information.
- 10.4 The categories of nonpublic personal financial information about former students and patrons of the University that are disclosed. It also includes the categories of affiliated and nonaffiliated third parties to whom such information is also disclosed.
- 10.5 A separate description of the categories of information disclosed and the categories of third parties with whom it has contracted, if the University discloses non-public personal financial information to non-affiliated third parties, as permitted by applicable regulations.

- 10.6 An explanation of the student's or sponsor's right to prevent disclosure of nonpublic personal information to nonaffiliated third parties, including the method by which the student or sponsor may exercise his or her right.
- 10.7 Any other disclosures the University is required to make under applicable regulations.
- 10.8 Standards and practices related to the protection of confidentiality and security of non-public personal information.
- 10.9 Any other disclosure that the University wishes to make.

XI. Limitations

- 11.1 The University may not, directly, or indirectly, disclose any non-public personal financial information of a student or sponsor to a non-affiliated third party, unless:
 - 11.1.1 Provided the student or sponsor with initial written notice.
 - 11.1.2 Has provided the student or sponsor with written notice of their right to prevent the sharing of protected information.
 - 11.1.3 Has given the student or sponsor a reasonable opportunity (30 calendar days after the notice was mailed) to prohibit the disclosure.
 - 11.1.4 The student or sponsor does not prohibit disclosure.
- 11.2 The University has limitations on the re-disclosure and/or re-use of information. If the University receives non-public personal financial information through a non-affiliated institution under one of the exceptions provided herein, the disclosure and use of such information will be restricted as follows:
 - 11.2.1 The University may disclose the information to its affiliates and to affiliates of the institution from which the information originated, but affiliates of the University may not disclose the information to nonaffiliated third parties.
 - 11.2.2 The University may use and disclose the information pursuant to one of the exceptions contained herein in the ordinary course of its business to carry out the activity for which it received the information

, as long as such activity is permitted by the exceptions.

- 11.3 If the University receives non-public personal financial information from a non-affiliated third party, and such information is not covered by the exceptions contained herein, it may disclose such information only:
 - 11.3.1 To the affiliates of the financial institution where the information originated and came from.
 - 11.3.2 To its affiliates, but such affiliates may not disclose the information to non-affiliates of the University.
 - 11.3.3 To any person entitled by law to obtain the information directly from the institution from which it originated and came.
- 11.4 The University is limited in sharing student identification number information for marketing purposes. Except for agencies engaged in the preparation of student and sponsor credit reports, and other exceptions provided by law, the University may not disclose directly or through its affiliates, the student or sponsor number, or any other type of number or code related to the student or sponsor to a non-affiliated third party for marketing purposes.

XII. Disclosure prohibition and right and notice of exclusion

- 12.1 The student or sponsor has the option to prohibit the University from disclosing non-public personal financial information to a non-affiliated third party, except as permitted by law. The student or sponsor is deemed to have had an opportunity to prohibit disclosure when 30 calendar days have elapsed since the University sent the notice to the student or sponsor.
- 12.2 The University will provide each student or sponsor with a clear and conspicuous opt-out notice that adequately explains his or her right to prevent the sharing of his or her nonpublic personal financial information. The University will process the opt-out notice in such a way that it can reasonably expect each student and sponsor to have received the written notice. Oral notice is not acceptable or permitted. The opt-out notice will provide:

- 12.2.1 That the University disclose or reserve the right to disclose non-public personal financial information about students *and* sponsors to non-affiliated third parties.
- 12.2.2 That the student *and* sponsor have the right to request to be excluded from such disclosure.
- 12.2.3 The procedure to be followed for the student or sponsor to exercise his or her right of exclusion.
- 12.3 The student or sponsor shall have the option to exercise his or her right to opt out at any time. The option shall be effective until revoked in writing.
- 12.4 The University shall comply with the exclusion request within a reasonable time after receipt of the request.

XIII. Exceptions to the right of exclusion and initial warnings

- 13.1 The right to opt-out does not apply when the University shares non-public personal information of a student or sponsor with a non-affiliated third party that provides services to the University or performs functions on behalf of the University:
 - 13.1.1 If the initial notice is provided.
 - 13.1.2 Whether a contractual agreement is entered into with the third party to maintain the confidentiality of student *and* sponsor information.
- 13.2 The requirements to provide initial notices *and* opt-out notices do not apply if the University discloses nonpublic personal financial information:
 - 13.2.1 In the ordinary course of business to administer or carry out a transaction that the student or sponsor has requested or authorized.
 - 13.2.2 They are also not applicable when providing services or processing student loans.

XIV. Other considerations

- 14.1 If the University makes changes to its Privacy Policy and Guidelines or procedures, notice to this effect will be provided to the student or sponsor prior to disclosing non-public personal financial information directly or indirectly to a non-affiliated third party. This notice will include:
 - 14.1.1 The revised notice describing the University's guidelines, policies, and practices.
 - 14.1.2 A reasonable opportunity to prevent information to be disclosed.
 - 14.1.3 The option to exercise your right to opt out.
- 14.2 The University will provide the revised notice to students and sponsors within a reasonable time and in an acceptable manner.
- 14.3 A student or sponsor will have the opportunity to access and review your information in a cost-effective manner.
- 14.4 In the academic field, there are countless laws and regulations that, directly or indirectly, refer to the issue of information security and privacy. The Office of the General Counsel will have the primary responsibility for maintaining a detailed list of laws, regulations, and changes that may affect this privacy policy document. If there is any activity or change in the future that could affect this privacy document, it will be reviewed, and a decision will be made as to whether or not it is necessary to send any type of notice to students and sponsors or amend this document in any way.
- 14.5 The University will maintain a file containing evidence of privacy notices, responses to these notices, and any subsequent notices sent by the University. Any information retained by the University in connection with consumer information protection and/or privacy activities shall comply with applicable regulations.
- 14.6 The destruction or disposal of student or sponsor information related to this policy document shall be in accordance with applicable regulations.

- 14.7 All people providing services to the University who have access to the personal financial information of students and sponsors will be required to sign a confidentiality agreement. Such an agreement will obligate the other party to comply with the University's confidentiality standards and controls.
- 14.8 The University may disclose non-public personal health information when such information is following the guidelines and standards established by the University and in compliance with HIPAA, to which we refer.
- 14.9 All University employees will receive the necessary training for the implementation of this privacy policy document.

XV. Possible inconsistencies between local and federal laws

If there are local laws that are not inconsistent with the federal regulation and that provide greater protections, local law will prevail over this privacy policy document.

XVI. Amendments and repeal

This Guidelines, Standards, and Procedures for the Protection of Consumer Information Privacy document may be amended or repealed by the President of the University.

XVII. Separability

Each section or subsection of this document may be separated from the others. Therefore, should any of them be invalidated, the remaining sections or subsections shall not be affected and may be applied independently of the invalidated sections or subsections.

XVIII. Validity

This document will be effective immediately upon approval by the President of the Inter American University of Puerto Rico.

XIX. Approval

Manuel Fernós
President

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27/2/07
Date (D-M-Y)