



## Ministry of Education and Merit

### NOTICE ON PERSONAL DATA PROCESSING

*within the E-Portfolio and Tutor Digital Services*

(Articles 13 and 14 of EU Regulation 679/2016)

With this information notice, provided in accordance with Articles 13 and 14 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 (hereinafter, also "**Regulation**" or "**GDPR**"), we intend to provide you with information about the processing of personal data performed within the digital services E-Portfolio (hereinafter also referred to as "**E-Portfolio Service**") and Tutor (hereinafter also referred to as "**Tutor Service**") provided through the "Unica" Platform (hereinafter also referred to as "**Platform**"), with the aim of facilitating the performance of orientation activities for students and to support them in their school career and in compiling the E-Portfolio.

The aforementioned Services are optional and are made available, within the Platform, to (i) students; (ii) parents/exercising parental responsibility; (iii) teachers; (iv) tutors; (v) guidance teachers; (vi) school directors/coordinators; (vii) administrative staff of school secretariats (hereinafter, all also referred to as "**Interested Parties**" or "**Users**"), in compliance with and within the limits of the various functions associated with them in consideration of their respective roles and competences.

#### **Data Controllers**

Institutions and schools of all levels and educational institutions (hereinafter also referred to as "**School Institutions**" or "**Institutions**" or "**Data Controllers**") shall be responsible for the processing carried out for the purpose of providing the individual E-Portfolio and Tutor Digital Services, each with respect to its specific users.

#### **Data Processors**

The Ministry of Education and Merit acts as data processor (hereinafter, also "**Data Processor**" or "**Processor**"), pursuant to Article 28 of the GDPR, in the activity of managing the infrastructure through which the School Institutions provide the Services.

In its capacity as the contractor of the infrastructure, management and application development services for the Ministry's information system, Sogei S.p.A. (Via Mario Carucci 99, 00143, Rome) acts, pursuant to Article 28 of the GDPR, as sub-processor.

### **Data Protection Officer**

For the person appointed as Data Protection Officer and their contact details, please contact the relevant institution.

### **Legal basis for processing**

The legal basis for the processing is the performance of a task of public interest or connected with the exercise of public authority vested in the Data Controller pursuant to Article 6(1)(e) and (3)(b) of the GDPR, as well as Article 2-ter of Legislative Decree no. 196 of 30 June 2003, and in particular Article 21, paragraphs 4-ter et seq. of Decree-Law no. 75 of 22 June 2023, converted, with amendments, by Law No 112 of 10 August 2023, as well as the non-regulatory implementing Decree adopted pursuant to paragraph 4-quinquies of the same Article 21 and the regulations referred to therein, such as specifically:

- for the E-Portfolio Service: (i) Legislative Decree of 14 January 2008, no. 21; (ii) Legislative Decree of 14 January 2008, no. 22; (iii) Law of 13 July 2015, no. 107; (iv) Legislative Decree of 13 April 2017, no. 62; (v) Presidential Decree of 31 December 1966, no. 362; (vi) MIM Note of 10 February 2023, no. 4608;
- for the Tutor Service: (i) Orientation Guidelines, in particular, paragraphs 8.3 and 11; (ii) Law of 26 December 2022, no. 197; (iii) MIM Decree of 5 April 2023, no. 63; (iv) National Collective Labour Agreement for the Education and Research Sector for the period 2019-2021, signed on 14 July 2014 between ARAN and trade unions.

### **Personal data processed**

As part of the E-Portfolio Service, common student data such as personal details (name, surname, tax code, year of birth) and contact details (e-mail address) acquired from the Ministry's information system, as well as information uploaded directly by Users, are processed.

Within the Service, it is possible to view information relating to the educational career (starting from the first cycle of education), curricular, extracurricular and out-of-school activities carried out and certifications acquired by the student, self-evaluations, masterpieces uploaded by the student and Certificates of Competence issued by the Class Council to the student.

As part of the Tutor Service, personal details (first name and surname) and contact

details of Users, acquired from the Ministry's information system, as well as information entered by tutors, teachers and the School Director/Coordinator of each School Institution within the "Notice Board" Section and the information entered by tutors, students and parents/those exercising parental responsibility within the "Calendar" Section, are processed.

Within the Service, it is possible to view information on the school where the Tutor works and the classes in which he or she teaches, information on appointments scheduled for talks between the Tutor and the student or group of students or parents, as well as information on deadlines affecting the student.

Within the scope of the Digital Services, the provision of Data falling under the special categories set forth in articles 9 and 10 of the GDPR is not required. The possible provision of such Data, by the Users, may take place exclusively on a voluntary basis, within the free text fields.

### **Methods and purposes of processing**

In order to use the E-Portfolio Service and the Tutor Service, Users must log in to the private area of the Platform following the procedures indicated in the specific information notice available on the [Privacy page of the website unica.istruzione.gov.it](https://www.unica.istruzione.gov.it/privacy).

Within the framework of the E-Portfolio Service, data processing is carried out by the Data Controllers for the purpose of supporting and accompanying students and families throughout their education, the E-Portfolio being a tool for technical and methodological innovation to be used in compliance with current guidance legislation.

Within the framework of the Tutor Service, data processing is carried out by the Data Controllers for the purpose of ensuring effective support for students in their studies, by the Tutor, as well as to facilitate the execution of the tasks assigned to the Tutor.

For the purposes of using the Services, the data already contained in the Ministry's and the Institutions' information systems will be incorporated from time to time. Data entry by students and parents/guardians will take place exclusively on a voluntary basis.

Data is processed by the Data Controller in full compliance with the principles of fairness, lawfulness, appropriateness and relevance of processing, as well as minimisation and necessity as set out in the GDPR.

For the use of the Services, different types of Users are associated with different functions.

The information and personal data contained in the E-Portfolio Service can be viewed, subject to identification and computer authentication to the private area of the Platform, by the following persons:

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- the Student User has access to his/her personal information, starting from the first year of attendance at lower secondary school;
- the Parent/Exerciser of Parental Responsibility User has access to the student's information, starting from the first year of attendance at lower secondary school;
- the lower or upper secondary school Teacher User has access to information on the pupils in his/her classes;
- the Tutor User has access to information on the pupils assigned to him/her;
- the Guidance Teacher User has access to the aggregated views contained in the section "Course of study of the school's students" and relating both to the relevant educational institution and to individual classes;
- the School Director/Coordinator of lower or upper secondary school User has access to the information of the students attending the institution.

The information and personal data contained in the Tutor Service can be viewed, subject to identification and computer authentication to the private area of the Platform, by the following persons:

- the "Personal Profile" section is accessible exclusively to Tutor Users and allows them to view certain personal information acquired from existing information systems and displayed on the Platform;
- the "My Students" section is accessible exclusively to Tutor Users and allows them to view the list of students associated with them, divided by class, and to consult their personal E-Portfolio;
- the "Notice Board" section is only accessible to teacher, tutor and school manager/coordinator Users;
- as part of the "Calendar" section:
  - a) the Tutor User sets up events, deadlines and interviews (also in groups) with Student Users and Parent/Exerciser of Parental Responsibility Users, displays events, interviews, deadlines set in the calendar, as well as appointments set by Students and Parent/Exerciser of Parental Responsibility Users;
  - b) The Student User can view the interviews, events and deadlines set by the Tutor in the Calendar. The Parent/Exerciser of Parental Responsibility of students enrolled in upper secondary school can view the interviews and events set with them by the Tutor in the Calendar;
  - c) Parent/Exerciser of Parental Responsibility Users and the Student can also schedule an interview with the Tutor User through the "Book your appointment" function;
  - d) information relating to interviews between the Tutor and Student and Parent Users is accessible only by these Users.

The E-Portfolio and Tutor Digital Services are supplied through the following operations:

- interconnection with education-related information systems;
- uploading of additional Data by Users, if not available in the manner set out in the previous point.

Data processing is in all cases carried out electronically, by means of recording, processing, storage and transmission of data, with the aid of computerised tools.

The Data Controllers adopt technical and organisational measures provided for by the regulations in force, adequate to guarantee a level of security appropriate to the type of data processed.

### **Optional or compulsory supply of personal data**

The provision of personal data by Users is necessary for the use of the Digital Services.

### **Persons authorised to process data and system administrators**

Persons authorised and specifically instructed by the Data Controller and the Data Processor, in accordance with Article 2-quaterdecies of Legislative Decree no. 196 of 30 June 2003, as well as system administrators identified and appointed in accordance with the Data Protection Authority Order of 27 November 2008, may access personal data for the purposes indicated above.

### **Recipients of data communication**

Personal data will not be disclosed to third parties, except for possible requests for information by the judicial authorities and the judicial police, which are obligatory by law, and will not be disseminated.

### **Transfer of personal data to third countries or international organisations**

The processing of personal data takes place exclusively within the European Union and the European Economic Area, except where the transfer to a third country or international organisation is strictly necessary for the proper functioning of the Services and the provision thereof.

### **Personal data retention period**

Personal data that the Platform acquires from pre-existing databases are not stored within the Platform itself.

Personal data uploaded directly by Users as part of the E-Portfolio and Tutor Services are stored in a special database of the Platform, pursuant to Article 5(1)(e) of the GDPR, for a period of time not exceeding that necessary for the purposes for which they were collected or subsequently processed, in accordance with legal obligations. In particular:

- as part of the E-Portfolio Service, the personal data uploaded by the student are stored for the purpose of allowing the reconstruction of the student's educational career in terms of orientation, until the end of upper secondary school and will be deleted within 30 (thirty) days from the date of completion of the student's school career. In the event that a student, having fulfilled his or her educational obligation in compliance with the relevant regulations, does not intend to continue his or her studies, he or she may submit a request for the deletion of the personal data contained in the Service, which will be fulfilled within 30 (thirty) days from the submission of the request.
- as part of the Tutor Service:
  - personal data uploaded by Users in the free-form fields provided within the Calendar Section, relating to the student and the Parent/Exerciser of Parental Responsibility, are stored until the end of the school year in question, in order to guarantee the continuity of the student's education and course of study in terms of orientation. In the event that a student, having fulfilled his or her educational obligation in compliance with the reference legislation, does not intend to continue his or her studies, he or she may submit a request for the deletion of the personal data contained in the Service, which will be fulfilled within 30 (thirty) days from the submission of the request;
  - data relating to the Teacher, Tutor and School Director/Coordinator uploaded by the said persons and subject to Processing within the free-form fields provided within the Notice Board Section, shall be kept until the termination of the role for which they use the Digital Service and shall be deleted within 30 (thirty) days from the date of the relevant termination;
  - data and information relating to the interviews arranged between the Tutor and the Student or Parent in the Calendar Section (i.e., date and time of the meeting; availability for interviews) are stored until the end of the relevant academic year.

### **Browsing data**

Within the Platform, first and third party technical session cookies are used, regarding which please refer to the specific cookie policy available at [Privacy page of the website unica.istruzione.gov.it](https://www.unica.istruzione.gov.it/privacy).

### **Rights of Interested Parties**

Interested Parties may at any time exercise their rights under Articles 15 et seq. of the GDPR, where applicable, by contacting the Data Controllers as identified above and in the manner set out above. In particular, Chapter III of the aforementioned GDPR regulates the rights and methods of exercising those rights, and attributes the following to Interested Parties:

- a) right of access (Article 15 of the GDPR), i.e. to obtain in particular
  - confirmation of the existence of personal data;
  - the origin and categories of personal data, the purpose and method of their processing;
  - the logic applied in the event of processing by electronic means;
  - the identity of the Data Controller, the Data Processor and the persons or categories of persons to whom the data have been or may be communicated;
  - the period of retention;
- b) right of rectification (Article 16 of the GDPR);
- c) right of cancellation (Article 17 of the GDPR);
- d) right of restriction of processing (Article 18 of the GDPR);
- e) right of data portability (Article 20 of the GDPR);
- f) right of objection (Article 21 of the GDPR);
- g) right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning them or significantly affects them in a similar way (Article 22 of the GDPR).

In relation to the processing of data concerning him/her, the Interested Party may contact the relevant School Institution to exercise his/her rights.

### **Right of complaint**

If Interested Parties consider that their personal data are being processed in breach of the GDPR, they have the right to lodge a complaint with the Guarantor pursuant to Article 77 of the aforementioned GDPR or to take legal action pursuant to Article 79 of the GDPR.

**Automated decision-making process**

No automated decision-making process is provided for within the meaning of Article 13(2)(f) of the GDPR.

**Updates to this policy on personal data processing**

This personal data processing notice may be updated in order to comply with any national and European legislation on the processing of personal data and/or to adapt to the adoption of new systems, internal procedures or for any other reason that may be appropriate and/or necessary.