



Privacy Policy

PUC-Rio

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1. Introduction

Law No. 13,709/2018 – General Data Protection Law (LGPD) deals with "the processing of personal data, including digital, by a natural person or by a public or private legal entity, with the aim of protecting fundamental rights of freedom and privacy and the free development of the natural person's personality (Art. 1)."

This document presents the policy for the processing of personal data at PUC-Rio, including websites registered under its Internet domain ("puc-rio.br").

Section 2 summarizes the most relevant concepts of the LGPD. Section 3 addresses the personal data protection policy of PUC-Rio. Section 4 presents the privacy notice and terms of use for PUC-Rio websites. Finally, Section 5 contains a brief list of questions and recommendations regarding the LGPD.

2. Main Concepts of LGPD

2.1 Personal Data

For the purposes of the LGPD, it is considered (Art. 5):

- *Personal data*: data related to an identified or identifiable natural person. Examples of personal data include: name, address, email, identity, CPF, location data (collected by GPS), connection testimonials (cookies);
- *Sensitive personal data*: personal data about racial or ethnic origin, religious belief, political opinion, membership in a union or organization of a religious, philosophical, or political nature, data related to health or sexual life, genetic or biometric data, when linked to a natural person;
- *Anonymized data*: data related to a data subject that cannot be identified.

2.2 Data Processing

The LGPD applies to any processing operation carried out by a natural person or by a public or private legal entity, regardless of the means, the country of its headquarters, or the country where the data is located (Art. 3).

The processing of personal data and sensitive personal data includes the following activities, among others:

- Collection, classification, storage;
- Access, reproduction, modification, deletion;
- Termination;
- Sharing.

The processing of personal data may be carried out, among other recognized hypotheses in the LGPD (Art. 7):

- By obtaining consent from the data subject;
- For the fulfillment of a legal or regulatory obligation by the controller.

2.3 Actors

The LGPD considers the following roles or actors (Art. 5):

- *National Authority*: a public administration body responsible for supervising and enforcing the Law;
- *Data subject*: a natural person to whom the personal data being processed refers;
- *Controller*: a natural or legal person, public or private, responsible for decisions regarding the processing of personal data;
- *Operator*: a natural or legal person, public or private, who processes personal data on behalf of the controller;
- *Data Protection Officer*: a person appointed by the controller and operator to act as a communication channel between the controller, data subjects, and the National Data Protection Authority;
- *Processing agents*: the controller and the operator.

3. Personal Data Protection Policy

3.1 Actors

In the context of PUC-Rio, the actors involved with the LGPD are:

- *Controller and Operator*: Catholic Faculties, except when a contract or agreement defines other assignments;
- *Data Protection Officer*: Caitlin Sampaio Mulholland, appointed by Ordinance No. 18/2021 of 04/22/2021;
- *Substitute Data Protection Officer*: Tais Nasser Villela, appointed by Ordinance No. 31/2021 of 07/15/2021;
- *Working Group*: Marco Antonio Casanova, Mariele Escocard, and Gustavo Miranda Araújo, appointed by Ordinance No. 19/2021 of 04/22/2021.

The Data Protection Officer is accessible via email at encarregado-igpd@puc-rio.br.

3.2 Tasks of the Working Group

The Working Group is responsible for defining, implementing, and monitoring the personal data processing policy of PUC-Rio. To fulfill its duties, the Working Group may invite other PUC-Rio employees to assist in its tasks. The main tasks of the Working Group, supervised by the Data Protection Officer, include:

1. Define PUC-Rio policies related to LGPD, including:
 - a. Personal data protection policy at PUC-Rio;
 - b. Privacy and personal data protection policy on PUC-Rio websites, including the privacy notice and terms of use for the websites;
 - c. Incident response policy.
2. Ensure compliance with LGPD in contractual relationships, through:
 - a. Inclusion of specific clauses for personal data protection in new contracts;
 - b. Definition of additive terms to existing contracts containing specific clauses for personal data protection;
 - c. Definition of terms of consent for the use of personal data, in cases where the processing of personal data is not covered by a contract between the data subject and PUC-Rio.

3. Map and adapt processes involving the processing of personal data, identifying at least:
 - a. The personal data processed;
 - b. The processing methods and precautions taken in light of LGPD;
 - c. The person responsible for the process;
 - d. The legal basis for processing.

4. Define and implement an awareness and training program regarding the processing of personal data for the PUC-Rio community.

5. Manage personal data protection, including:
 - a. Provide the necessary data for the Data Protection Officer to address complaints and communications from data subjects and the national authority (Art. 41);
 - b. Audit units for compliance with PUC-Rio policies related to the protection of personal data;
 - c. Ensure compliance with LGPD in contractual relationships and the appropriate storage of consent terms;
 - d. Keep data related to processes involving the processing of personal data up to date.

3.3 Personal Data Processing

PUC-Rio collects the personal and sensitive personal data summarized in Table 1, according to the type of relationship with the institution. This collection is covered by specific contractual clauses and consent terms.

Table 1 - Personal Data Collected

Relationship with PUC-Rio	Personal Data and Sensitive Personal Data
Student	Identification data, academic data, data necessary for compliance with legal, regulatory, and contractual obligations.
Employee	Identification data, data necessary for benefits and rights, data necessary for compliance with legal or regulatory obligations.
Outsourced Employee	Identification data, data necessary for benefits and rights, data necessary for compliance with legal or regulatory obligations.
Service Provider (individual or legal entity)	Identification data, data necessary for compliance with legal, financial, or regulatory obligations.
Candidate in selection process	Identification data, data necessary for the selection process, data necessary for benefits and rights.
Financial responsible for the student	Data necessary for financial obligation fulfillment.
Employee's Family Member	Identification data, data necessary for benefits and rights, data necessary for compliance with legal or regulatory obligations.
Third Parties (visitors, commercial and institutional partners, event and research participants, among others)	Identification data, data necessary for benefits and rights, data necessary for compliance with legal or regulatory obligations.

A PUC-Rio collects personal data through processes summarized in Table 2, according to the type of relationship with the institution.

Table 2 - Main Processes Involving Personal Data Processing

Relationship with PUC-Rio	Main Processes
Student	Admission and enrollment; graduation ceremonies; academic, administrative, and financial management in general; grant of scholarships
Employee	Hiring; termination; retirement; career management; benefits management
Outsourced Employee	Management of the service contract
Service Provider (individual or legal entity)	Management of the service contract
Candidate in selection process	Selection process
Financial Responsible for the student	Financial management of the student's service contract
Family member of employee	Employee benefits management
Third parties	Management of contracts/agreements/terms/agreements, authorization for entry and stay on campus, participation in events, research, and similar activities

Particularly, access to personal data is protected as described in Table 3.

Table 3 - Protection of Access to Personal Data

Type of Data	Type of Access
Generic Personal Data (name, address, etc.)	Authentication by ID and password
Academic Personal Data	Authentication by ID and password; access to critical academic personal data only through a computer connected to PUC-Rio's secure network
Sensitive Personal Data	Authentication by ID and password; access to critical sensitive personal data only through a computer connected to PUC-Rio's secure network

The termination of personal data processing will occur in accordance with the timeframe defined in specific ordinances published by competent authorities or in internal processes of academic, administrative, and financial management.

The sharing of data follows the criteria described in Table 4.

Table 4 - Sharing of Personal Data

Relationship with PUC-Rio	Purpose	Organization
Student	Fulfillment of legal or regulatory obligation	Federal public administration: MEC, INEP, CAPES, CNPq, among others
	Fulfillment of contractual obligation	Contracted companies
	Application and receipt of scholarships	FAPERJ, CNPq, CAPES, among others
	Exchange programs	Foreign higher education institutions
	Alumni tracking	Alumni Association
Employee or Intern	Fulfillment of legal or regulatory obligation	Federal public administration: MTPS, MEC, Ministry of Economy, among others
	Benefits administration	Private pension, health plans, among others
Service Provider (individual or legal entity)	Fulfillment of contractual obligation	Contracted companies, commercial and institutional partners, MTPS
Outsourced Employee	Fulfillment of legal or regulatory obligation	Federal public administration: MTPS, Ministry of Economy, among others
Third Parties	Fulfillment of contractual obligation; legitimate interest	Commercial and institutional partners

4. Privacy Policy and Terms of Use for Websites

PUC-Rio maintains various websites within its Internet domain ("puc-rio.br") to disseminate its activities. This section presents the privacy notice and terms of use that govern these websites.

4.1 Privacy Notice Summary

PUC-Rio maintains various websites within its Internet domain ("puc-rio.br") to disseminate its activities. The processing of personal data by PUC-Rio's websites follows the guidelines outlined in Section 3.

In particular, the policies adopted by PUC-Rio's websites include:

- *Security:* Access to restricted applications is controlled by access credentials (login and password). In some cases, access is only permitted through computers connected to the so-called secure network of PUC-Rio. Users should not share their access credentials with third parties and must ensure the protection of their password in accordance with RDC guidelines.
- *Collection and Storage:* Personal data is collected only for the time necessary to fulfill specific purposes, such as legal or contractual obligations. Users will be informed in advance about which data will be collected and for what purpose, and it is at their discretion whether to provide it.
- *Data Sharing:* Personal data will not be shared except in the case of a legal obligation or when expressly authorized by the user.

4.2 Summary of Terms of Use

PUC-Rio maintains various websites within its Internet domain ("puc-rio.br") to disseminate its activities. The processing of personal data by PUC-Rio's websites follows the guidelines outlined in Section 3.

By accessing one of PUC-Rio's websites, the user agrees to the terms and conditions described below:

- *Content Ownership:* The websites contain texts, photographs, images, and sound, which are protected by copyrights or other intellectual property rights. These rights belong to PUC-Rio or have been licensed by their holders for use on these websites and cannot be used without express permission.
- *Use of Cookies:* The websites use HTTP cookies, or simply cookies, which are small files saved on the user's device (computer, tablet, or phone) when visiting a website. Cookies are mainly used for session management, personalization, and traffic analysis. PUC-Rio requests user consent for creating cookies during navigation on its websites. Users can disable the use of cookies by changing their browser settings, but this may affect the website's functionality.

5. Brief List of Questions and Recommendations and Best Practices Guide

This section provides a brief list of questions and recommendations related to the LGPD, according to the main groups of people interacting with PUC-Rio.

5.1 How should technical-administrative staff handle personal data?

The staff should avoid any type of processing of personal data that exceeds the purpose of collecting that data without the consent of the data subjects. Documents containing personal data should not be left accessible without security procedures, and personal computers should not be left unattended without being turned off or securing access from third parties. In particular, academic secretariat staff should not disclose, on the website or department bulletin board, any lists with exam results or selection exam results that expose personal data.

5.2 Can technical-administrative staff share personal data?

In principle, staff should not share personal data with third parties, especially email lists. However, staff may share personal data to fulfill a legal or regulatory obligation. Examples include the annual MEC census, filling out the annual report for CAPES, and allocating scholarships in the CNPq system.

5.3 How should professors handle personal data?

Professors should not expose or share students' personal data, either digitally or physically. The LGPD allows the collection of data for research purposes, provided it is anonymized and not shared with third parties.

5.4 Can a student oppose the processing of their data by PUC-Rio?

Opposition to data processing cannot be unfounded and can only be exercised in the event of non-compliance with the LGPD. Additionally, the LGPD requires the continuation of processing when necessary to fulfill a legal or regulatory obligation, such as the MEC Ordinance No. 315/2018, Article 38: "Higher education institutions and their maintainers, members of the federal higher education system, are obliged to keep, under their custody, documents related to academic information, as specified in the Code of Classification of Documents Relating to the Core Activities of Federal Higher Education Institutions and in the Table of Temporality and Disposal of Documents Relating to the Core Activities of Federal Higher Education Institutions, approved by AN/MJ Ordinance No. 92, of September 23, 2011, and its eventual amendments."

5.5 Can a student request the deletion of their personal data?

Article 18, item VI, of the LGPD states that one of the rights of the data subject is to request the elimination of their data. However, paragraph 4, item II, of this same article indicates that the controller, in this case, PUC-Rio, can indicate the factual or legal reasons that prevent the execution of this request. Furthermore, Article 16 states that "Personal data will be eliminated after the end of its treatment, within the technical scope and limits of the activities, authorized conservation for the following purposes:

I – Compliance with legal or regulatory obligation by the controller."

In the case of universities, the prevention of deletion is through MEC Ordinance No. 315/2018, Article 38: "Higher education institutions and their maintainers, members of the federal higher education system, are obliged to keep, under their custody, documents related to academic information, as specified in the Code of Classification of Documents Relating to the Core Activities of Federal Higher Education Institutions and in the Table of Temporality and Disposal of Documents Relating to the Core Activities of Federal Higher Education Institutions, approved by AN/MJ Ordinance No. 92, of September 23, 2011, and its eventual amendments."

5.6 Can the data subject request the history of the use of their personal data?

Article 19 of the LGPD states that "The confirmation of existence or access to personal data will be provided, upon the data subject's request: I – In simplified format, immediately; or II – Through a clear and complete statement, indicating the origin of the data, the absence of a record, the criteria used, and the purpose of the treatment, respecting commercial and industrial secrets, provided within up to 15 (fifteen) days, counted from the date of the data subject's request."

Requests regarding personal data should be forwarded through the Data Protection Officer, accessible through the email encarregado-lgpd@puc-rio.br. The National Data Protection Authority can be contacted through the available channels at <https://www.gov.br/anpd/pt-br>.

Reference Material:

- General Data Protection Law, Law No. 13,709, of August 14, 2018. Available at: http://www.planalto.gov.br/ccivil_03/ato2015-2018/2018/lei/L13709.htm
- Good Practices Guide - General Data Protection Law (LGPD). Available at: <https://www.gov.br/governodigital/pt-br/governanca-de-dados/guia-lgpd.pdf>
- LGPD (academic) - Repository of free resources on LGPD. Available at: <https://www.lgpdacademicooficial.com.br/>
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