

The Implications of Data Protection Legislation on the Human Resource Function of Higher Education Institutions in Jamaica

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Presentation Outline



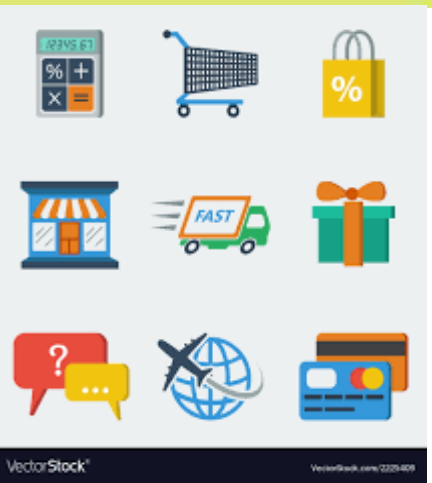
- Contextual Background of Big Data
- The rise of Big Data in HEIs
- Leveraging Education Data for Competitive Advantage
- The responsibility of HEIs for Data Protection
- Legislative Implications of the GDPR & DPA on HR in HEIs
- Recommendations on the way forward



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Big Data: The Growth of the Internet of Things



- 2.5 quintillion bytes of data created daily
- 3.7 billion humans use the internet
- 50% of internet searches done via mobile phone
- Amazon 95 Million 'Prime' members
- Facebook 1.5 Billion users daily
- 600 Million Instagrammers
- 90% of the World's data created over the last 2 years



Big Data: The Growth of the Internet of Things



- We live in a digitally transformed space
- Social Media and On-line commerce pervades every aspect of our lives
- Important pieces of **Personal Data** retained by organizations with whom we interact
- Creating a digital footprint with large amounts of our personal data exposed
- Organizations collect, store and analyze vast amounts of personal data
- The Exponential growth has led to the notion of **Big Data**

What is personal data?



 Online identifier

 Name

 Income

 Cultural profile

 Health information

 Address

 Localisation

●●● and more



The collection of data that is transferred through day to day digital transactions



If systematically mined it can provide valuable insights for decision making

Data that is richer and provides more details about behaviour activity and events

Its everywhere and everything we do!

Velocity

Speed at which data is emanating and changes are occurring between the diverse data sets

Volume

This refers to the sheer volume of data being generated every second.

Value

Having access to big data is all well and good but that's only useful if we can turn it into a value.

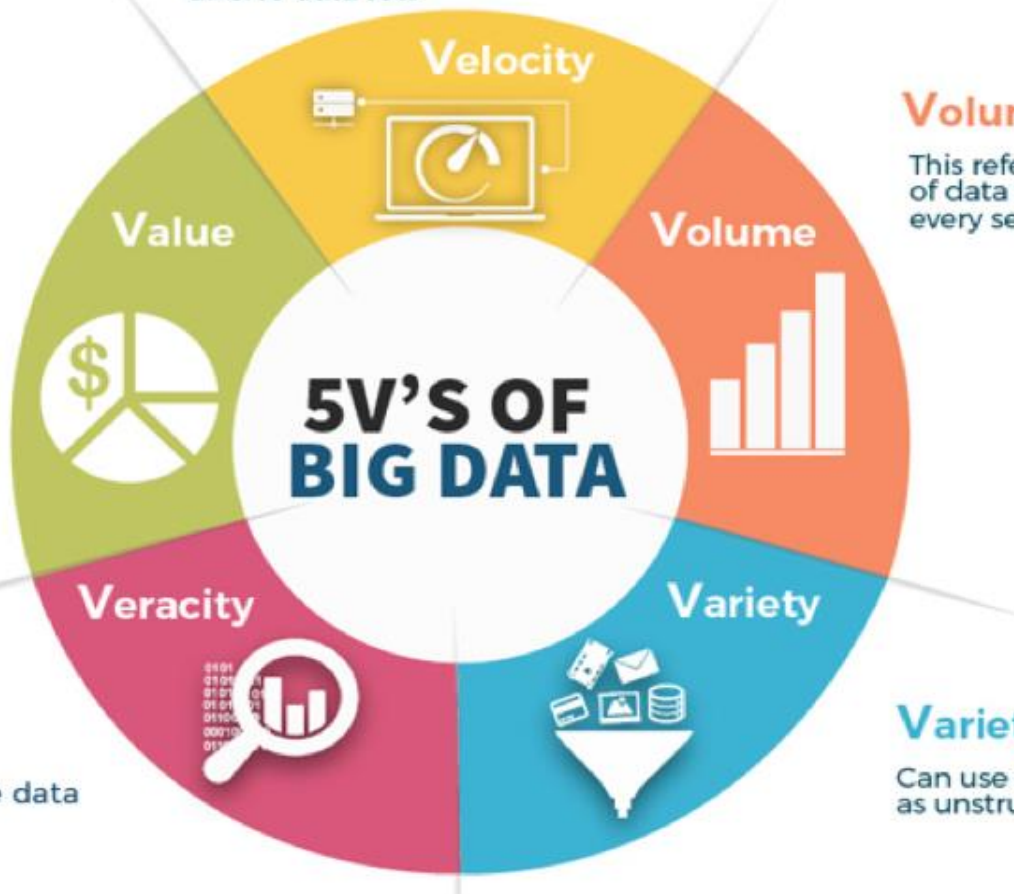
5V'S OF BIG DATA

Veracity

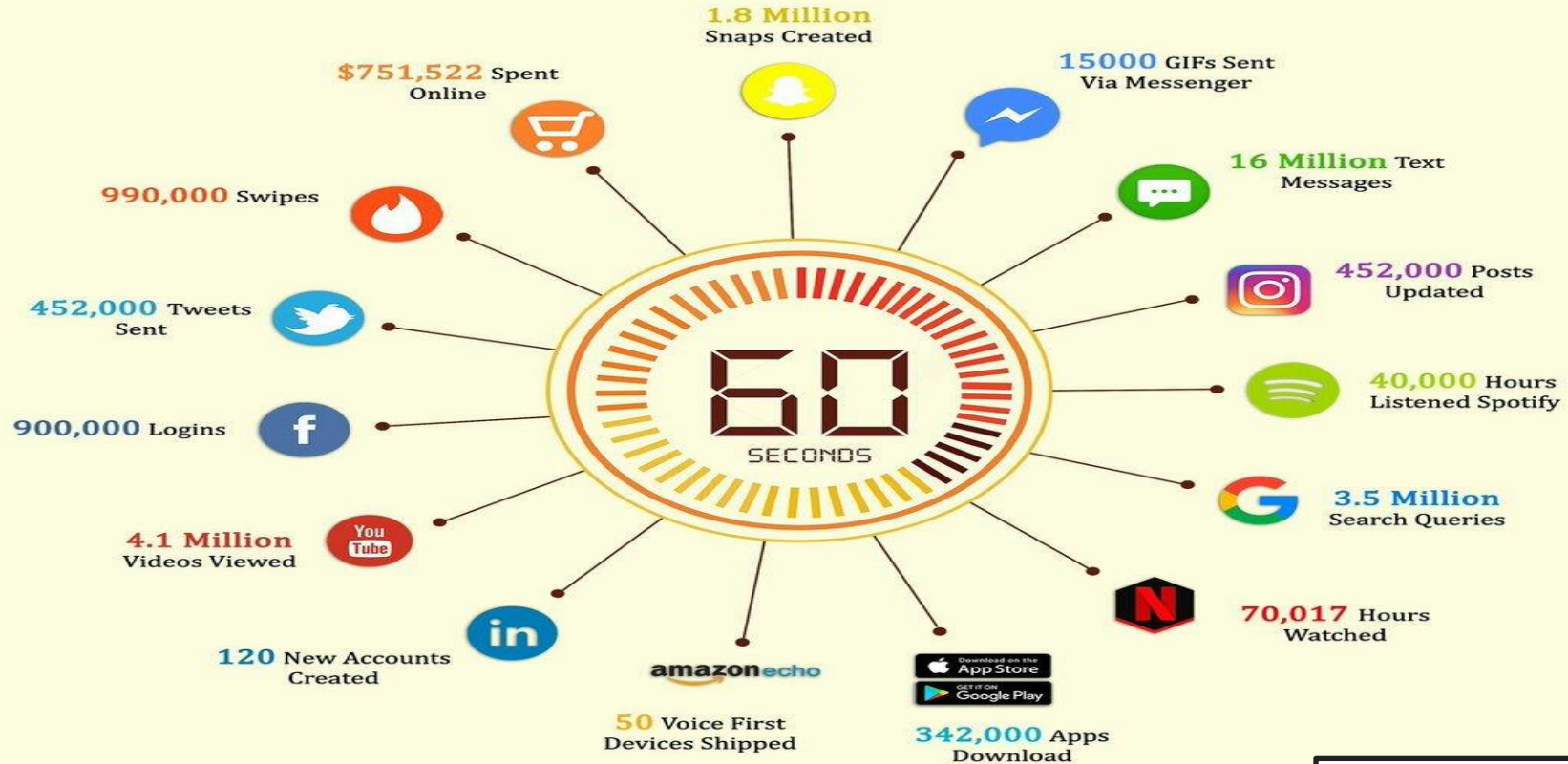
Veracity
Data reliability and trust.
Verifying and validating the data

Variety

Can use structured as well as unstructured data.



2018 This is What Happens in an INTERNET MINUTE



Source: W3 Technology

Big Data: The Higher Education Context

Increase 34.5% to 62.4% in online University degree programmes between 2002-2012

\$91 Million Invested in online education in 2012

6.7 Million students taking online courses in 2012



Babson Survey Research Group
Distance Education Online Learning Survey in the USA
2012 & 2017

6% increase consistently per A/Y in e-learning by 2017. with increase recorded for 14 years in a row

10% decrease in the number of students studying on-campus between 2012-2017

Almost 2 out every 3 students (53%) take at least 1 online course in 2017

Traditional Data in HE

Name
Demographic Info
Attendance
Grades

New Data in HE

Engagement Metrics
Time on Page
Bounce Rates
Performance Metrics on
Demographics



TRANSFORM

- Personalize the learning process
- Refine learning content for relevancy
- Improve student retention

HIGHER

- Measure student performance beyond test scores
- Improve student support services
- Institutional Benchmarking

EDUCATION

- Target prospective students
- Reduce administrative work

Big Data Analytics

Social Media, WiFi-based Student Life Research and Broadband Connections & Virtual Learning Platforms

Responsibility of HEIs for Data Protection

Right

- **To leverage higher education data to:**
 - improve student success rate
 - improve student retention
 - maintain competitive advantage

Responsibility

- **Respect and protect the rights of data subjects**
 - Prospect - Submitting an on-line application
 - Parent - Credit card payment
 - Recruitee - submitting and job application online
 - Alumni or donor – making a financial contribution
 - Stakeholder - Visiting social media page

Balance

- RIGHT and Responsibility to ensure
- Privacy and Security

Privacy

- Collection of personal information
- Using and disclosing personal information in authorised manner
- Data quality
 - Access to personal information

Protection of personal information

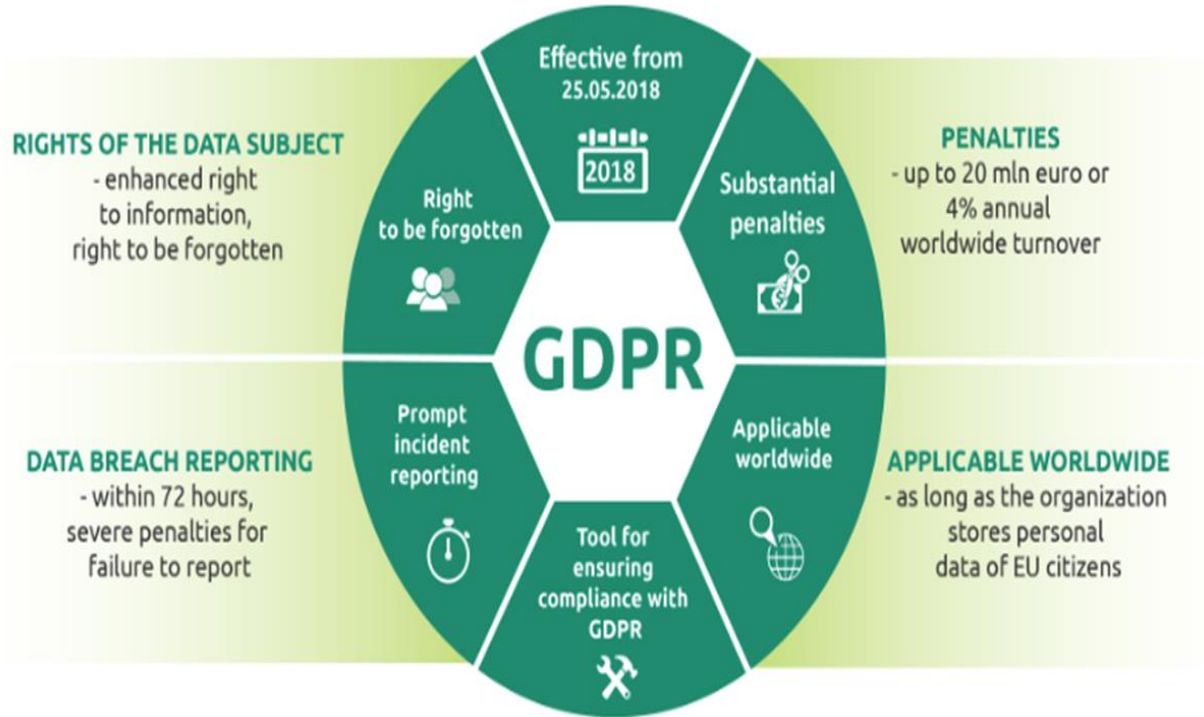
Security

- *Confidentiality*: data being stored is safe from unauthorised access and use
- *Integrity*: data is reliable and accurate
- *Availability*: data is available for use when it is needed

Data Protection Regulation in the EU and Jamaica

- Enacted in the EU May 25, 2018
- The aim of the GDPR is to unify and simplify data protection laws across the EU
- The regulation essentially shifts the power back to the individual by giving them control over their personal data
- Allowing for unprecedented levels of data privacy for these individuals who are referred to as data subjects; who now have specific rights enshrined in law:
- Extra-territorial applicability for Caribbean once the organization processes data for EU citizens; including HEIs
- Introduced in Ja. Parliament in **October 10, 2017**
- The DPA is Jamaica's response to the international imperatives of the GDPR
- Seeks to proactively build awareness and compliance to the requirements of the GDPR by Jamaican organizations
- It focuses on protecting individual's (data subject) privacy as it relates to personal data as processed by various organizations and companies (Data Controllers)

The Provisions under the GDPR



- Right to **access**
- Right to breach **notification**
- Right to be **forgotten**
- Right to data **portability**
- Right to be **informed**
- Right to **restrict** processing
- Right to **rectification**

Seven Principles OF JAMAICA'S DATA PROTECTION ACT



Processed lawfully, fairly, and in a transparent manner



Collected for specified, explicit and legitimate purposes



Adequate, relevant and limited to what is necessary



Accurate and where necessary, kept up to date



Retained only for a time that is necessary



Processed in an appropriate manner to maintain security



Supported by the further principle of accountability to customers and employees

YOU OWN IT! WE RESPECT IT!

Requirements of the DPA for Data Controllers

Appoint a Data Protection Officer (DPO)

Register with the Information Commission

DPO monitors and reports on compliance with the Act

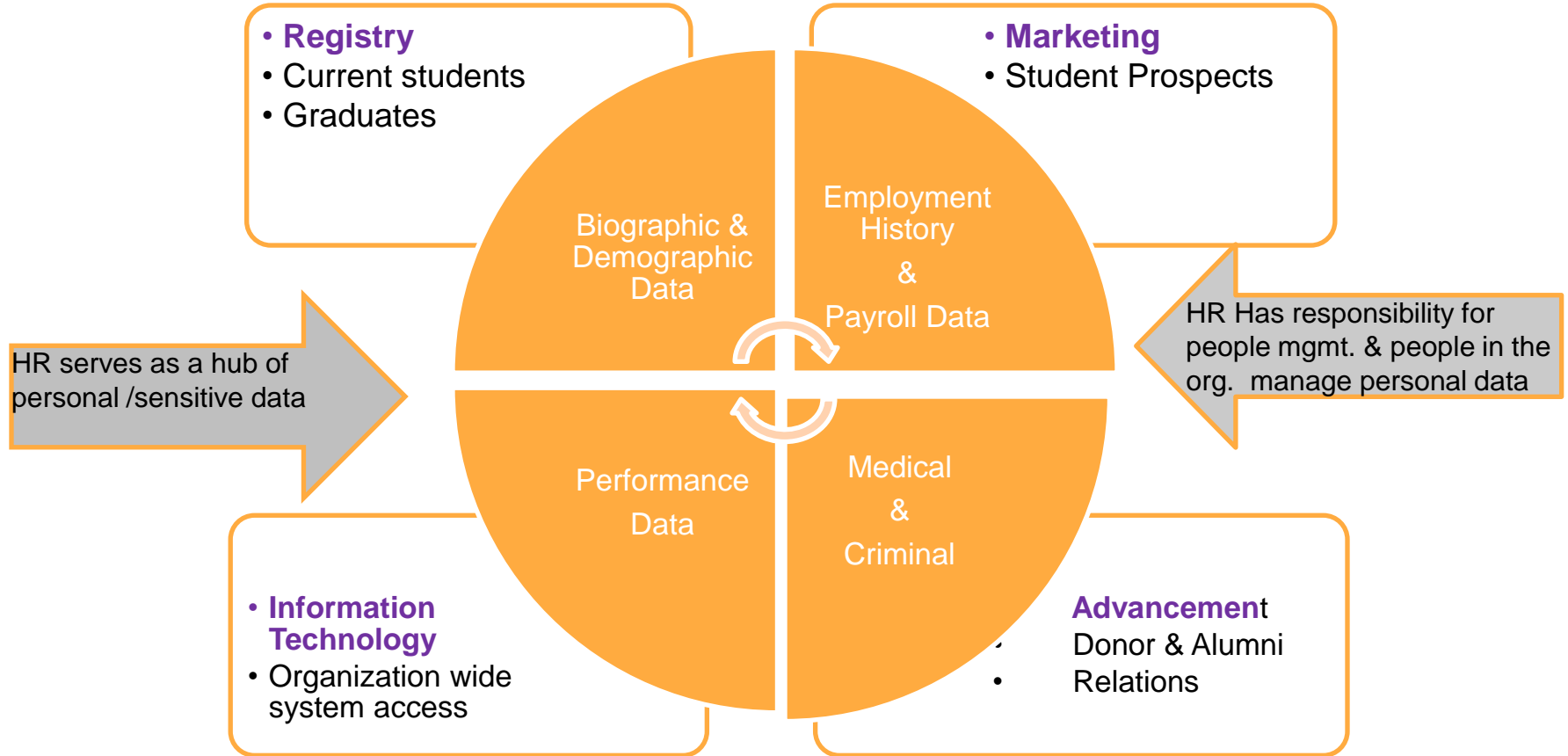
Conduct annual privacy impact assessment

Allow for choice in direct marketing & automated decision making

Compensate individuals where damages are suffered in contravention of the DPA

Fines: J\$500,000.00 to 10% of annual gross corporate income & imprisonment of 2 to 10 years

HR'S Dual Imperative Towards Data Protection Compliance



Implications of the Internationalization of HE

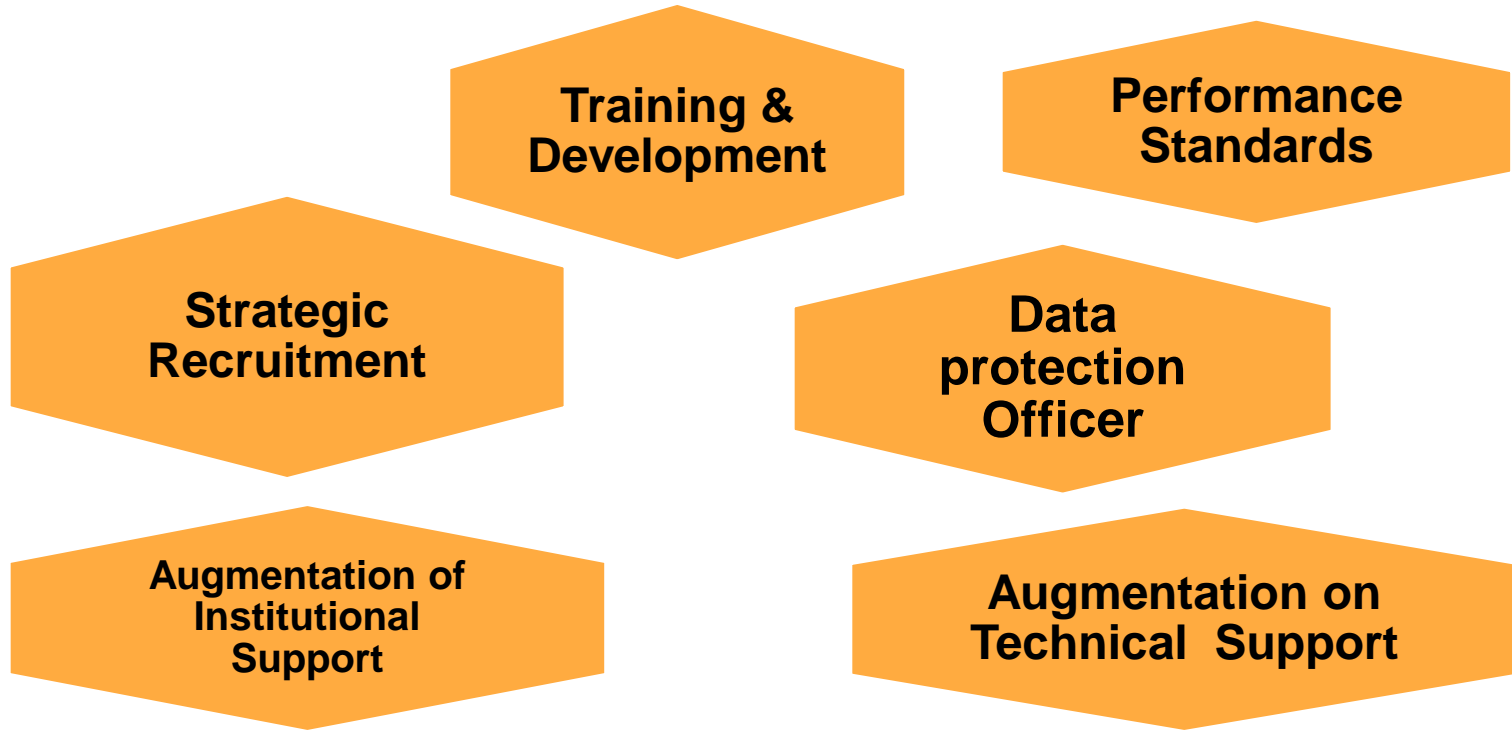
Universities operate in a borderless society; legislation in one jurisdiction can be impactful in another

Especially since Universities recruit staff and faculty internationally, engage in Foreign Exchange Programme, admit international students and prospect students in the EU to include the UK

Therefore HR has the mandate to ensure that its recruitment, pre-boarding, onboarding and off-boarding policies & practices are in compliance with the data protection legislation

HR also has the mandate to guide the setting performance standards to ensure that data privacy is entrenched in the organizations policies, practices and culture for all other Departments within the Institution

HR's Role in Building Institutional Capacity



Other Data Protection Imperatives for HR in HEs

Structural Changes Needed

- Appoint Data Protection Officer
- Reporting Relationship with the Information Commission
- Predictive Analytics
- Modeling Techniques in IT JDs

The need for a Single Repository for HR Data

- multiplicity of disjointed systems exist
- multiple security models to govern access
- Difficult to sync and audit access & usage

Proactively Identifying Compliance Issues

- analyze personal data it now has for old employees
- Review existing consent procedures
- Update consent to hold data over extended periods;

Effective Data Retrieval Systems

- Employees have the right to:
- find out what HR related data is being processed and why
- Request a free copy of any personal data
- Data should be stored for easy retrieval

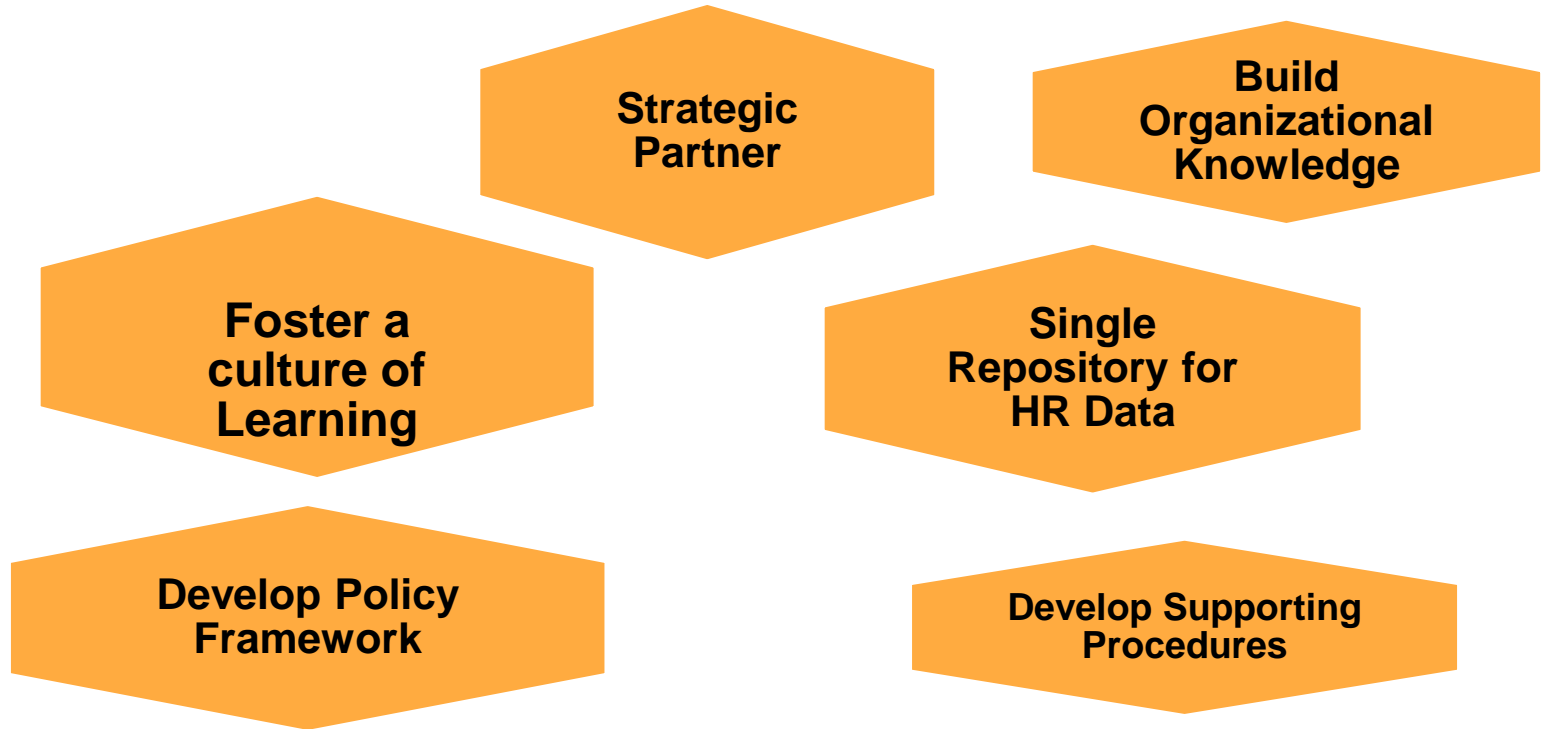
Data Protection

An Opportunity not an Obstacle!

- Develop more comprehensive policies and procedures which will help to drive institutional **performance**
- Upgrade out-dated HR systems to create more modern, interconnected, data-driven systems
- Improve organizational accountability, transparency and improve employer-employee trust
- Improve the general industrial climate within the institution and build a more favourable employer brand to attract the best Faculty and Staff
- Improve organizational **agility** by proactively preparing for the inevitable



Recommendations



Conclusion

Tertiary Institutions currently operate in a multi-dimensional, borderless world of e-commerce, virtual networks and artificial intelligence.

This coupled with the effects of Big Data, Social Media and the Internet of Things, of necessity requires a more heavily regulated landscape for the protection of the data rights of everyday citizens

HEIs must strike the delicate balance between the pursuit of education and development of a generation; and respecting the privacy needs of the people within and without the institution.

HEIs who will survive and thrive in this new data-centric global landscape, require more strategic data-driven HR practices to create the kind of learning organization that will embrace cultural and legislative shifts aimed at protecting the privacy rights of its most value asset; its people.

Thank You!

