



HIGHER EDUCATION COMMISSION

DATA PROTECTION POLICY

(DRAFT)

Yet to be approved draft policy

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Please Note:

This is a draft policy, it has not yet been approved by the competent authority and should not be circulated.

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1 Principles and Purposes of the HEC's Data Protection Policy

- 1.1. Pursuant to the Higher Education Commission Ordinance of 2002 (the “HEC Ordinance”), the Higher Education Commission (the “HEC”) is responsible for regulating all higher education institutions (“HEIs”) in Pakistan, both in the public and private sectors.
- 1.2. Section 10(1)(x) of the HEC Ordinance empowers the HEC to “collect information and statistics on higher education and Institutions as it may deem fit and may cause it to be published.” HEC appreciates and understands the importance of data for the purposes of making informed decisions in respect of its role in regulating, financing and enhancing the capacity of higher education institutions in the country. The HEC hence needs up-to-date information about HEIs including, but not limited to, granular level information about students, staff and faculty from all public and private sector institutions.
- 1.3. While a number of HEIs have put industry-strength enterprise solutions in place, several institutions lack IT-maturity. HEC would like all HEIs to move up the IT maturity ladder and has supported, and shall continue to encourage, endeavors in that direction.
- 1.4. The HEC fully recognizes the importance of ensuring the privacy and security of data provided to the HEC by the HEIs. The data will be protected against physical theft, attacks over the network and theft by employees/trusted people. This would be ensured through security at the hardware level through implementation of, and conformance to, appropriate standards and protocols. This data protection policy describes the rights and responsibilities of the parties in connection with the data provided to the HEC by HEIs.
- 1.5. At the time of the making of this policy, there is no national-level legislation on personal data protection (a proposed bill is currently in the legislative process). Whenever such a law comes into force, its applicable provisions shall govern HEC's collection, processing and use of data from HEIs, and this policy may be revised accordingly. Further, HEC's use of data shall be in conformity with all other applicable laws, including the Right to Information Act, 2017.

2 Applicability and Responsibility

- 2.1. This policy shall come into effect on May 2, 2020. It shall be periodically reviewed, and may be amended from time to time.

- 2.2. This policy applies to all of the HEC's personal data processing functions in relation to identified or identifiable natural persons, including, but not limited to, HEI students, staff and faculty, employees, and suppliers.
- 2.3. Personal data is defined as any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as name, an identification number (National ID card number, Passport Number, etc.), location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.
- 2.4. The Chairman and the Executive Director of HEC are committed to compliance with all relevant national laws in respect of personal data, and the protection of the rights and freedoms of individuals whose information HEC collects and processes.
- 2.5. Director Generals of HEC are responsible for ensuring that this policy is implemented in their respective Divisions. Directors and other and equivalent grades are the designated data controllers for their areas of responsibilities, where the section collects, stores or processes any personal data.
- 2.6. Managers at all levels will be accountable for being able to demonstrate that this policy has been implemented.
- 2.7. All members of HEC's staff have a responsibility to comply with HEC's data protection policies.

3 Data Protection Principles

- 3.1. The HEC shall collect, process and use personal data in the exercise of its functions as set forth in the HEC Ordinance and any rules or regulations made under it.
- 3.2. Personal data will be collected for specific and legitimate purposes. HEC will process and use personal data only for the purposes for which it is collected.
- 3.3. Personal data must be adequate, relevant and limited to what is necessary for the specific purpose it is being collected for. HEC will ensure that in designing methods of data collection (whether online or through data collection forms) that only the personal data required in connection with the service or programme will be processed. HEC shall undertake regular reviews of the data requested to ensure that the amount of personal data collected is minimized.

- 3.4. Personal data must be accurate and kept up to date with every effort to erase or rectify without delay. All data subjects have a right to ensure that their data is accurate and complete. HEC needs data that is accurate for the purpose for which it will be used. All data collection procedures should be designed to ensure that reasonable steps are taken to update personal data where new data has been provided. Where a correction is made to personal data at the request of the data subject all changes to their personal data should be shared with each third party with whom the previous data had been shared, unless this is impossible or requires disproportionate effort.
- 3.5. Personal data shall be kept in a form such that the data subject can be identified only as long as is necessary for processing. HEC will implement appropriate policies and procedures to ensure that personal data is retained only for the minimum period required for the purpose or purposes.
- 3.6. Personal data shall be processed in a manner that ensures appropriate security. HEC will implement appropriate technical and organizational measures to ensure that appropriate security of the processing of personal data is implemented.
- 3.7. HEC will ensure that it maintains adequate records of its processing and evidence that it has complied with this policy and related policies and procedures. Responsibility for collecting and maintaining the evidence lies with the management in accordance with Section 2 of this policy.

4 Rights of Individuals Whose Data is Collected

4.1 Right of access by the data subject:

HEC will implement procedures to ensure that reasonable and legitimate requests from data subjects for access to their personal data will be identified and fulfilled.

4.2 Right to rectification:

HEC is committed to holding accurate data about data subjects and will implement processes and procedures to ensure that data subjects can rectify their data where inaccuracies have been identified.

4.3 Right to erasure (right to be forgotten):

HEC processes personal data it collects because there is a legal basis for the processing. Where HEC receives requests from data subjects looking to exercise their right of erasure then HEC will carry out an assessment of whether the data can be erased without affecting the ability of HEC to fulfill the purposes and meet the obligations pursuant to which the data had been collected.

4.4 Right to object:

Data subjects have a right to object to the processing of his or her personal data in specific circumstances. Where such an objection is received, HEC will assess each case in its merits.

4.5 Right to complain:

HEC will implement and maintain a complaints process whereby data subjects will be able to contact Director Higher Education Management Information System (“HEMIS”). Director HEMIS and his team will work with the data subject to bring the complaint to a satisfactory conclusion for both parties. The data subject will be informed of their right to bring their complaint to the Director HEMIS and their contact details.

5 Responsibilities of HEC

5.1 Ensuring appropriate technical and organizational measures:

HEC will implement appropriate technical and organizational measures to ensure and be able to evidence that it protects personal data.

5.2 Maintaining a record of data processing:

HEC will maintain a record of its data processing activities (ROPA) in the manner prescribed by ISO (International Organization for Standardization) standards. The record will be reviewed and signed off by designated data controller, not less than on an annual basis.

5.3 Implementing appropriate agreements with third parties:

For the sharing of personal data by HEC with a third party to take place there must be a legal basis and the sharing must be transparent. Where a legal basis for sharing exists HEC will implement appropriate agreements, memoranda of understanding, bilateral agreements and contracts (collectively “agreements”) with all third parties with whom it shares personal data to identify the roles and respective responsibilities of each party. The term third parties are meant to include other agencies, departments of the Pakistan Government and other educational organizations. All such agreements shall be implemented in writing prior to the commencement of the transfer of the data. The agreement shall specify the purpose of the transfer, the requirement for adequate security, right to terminate processing, restrict further transfer to other parties, and that ensure that responses will be given to requests for information and the right to audit.

5.4 Transfers of personal data outside of Pakistan:

HEC will not transfer the personal data of its data subjects outside of Pakistan.

5.5 Data protection by design and by default:

HEC will implement processes, prior to the time of determining the means of processing as well as when actually processing, to implement appropriate technical and organizational measures to implement the data protection principles set out in Section 3 above and integrate necessary safeguards into the processing to meet local requirements (just as General Data Protection Regulation (GDPR) requirements are followed in EU countries).

5.6 Data protection impact assessments:

HEC will implement procedures and documentation whereby all new types of processing, in particular using new technologies, that result in a high risk to the rights and freedoms of its data subjects shall carry out a data protection impact assessment. As part of this process, a copy of the impact assessment shall be shared with Director HEMIS.

5.7 Personal data breaches:

A 'personal data breach' means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorized disclosure of, or access to personal data transmitted, stored or otherwise processed (e.g. the most common breach incidents that can occur are correspondence issuing to an unauthorized third party). HEC deems any loss of personal data in paper or digital format to be a personal data breach. HEC will develop and maintain a protocol for dealing with personal data breaches. This protocol will establish the methodology for handling a personal data breach and for notification of the breach to the Chairman and the Executive Director of the HEC and to data subjects where this is deemed necessary.

5.8 Governance:

HEC will monitor compliance with relevant legislation on data governance and protection. HEC at a senior management level will:

- Determine data governance policies for HEC;
- Determine records management policies for HEC;
- Determine metrics for monitoring & reporting key data protection statistics;
- Receive regular reports of data protection activities from different HEC Divisions;
- Receive regular reports from the Director HEMIS;
- Review data protection impact assessments and approve or not the design of data protection elements of projects;
- Instigate investigations of data protection matters of interest;
- Arrange audits, or similar, of Department units for compliance with this policy; and
- And other such activities, relating to HEC compliance with relevant law (once in place), in the area of data protection.

5.9 Responsibilities of Director HEMIS:

HEC will appoint Director HEMIS, who shall report to the highest level of senior management within HEC concerning the tasks allocated to him/her. The responsibilities of the Director HEMIS will include the following:

- i. Keeping the Management Board and where designated sub-committees of the management board updated about data protection responsibilities, risks and issues;
- ii. Act as an advocate for data protection within HEC;
- iii. Monitoring compliance with the relevant data protection legislation;
- iv. Monitoring that all data protection policies and policies are reviewed and updated on a regular basis;
- v. Monitoring that HEC provides appropriate data protection training and advice for all staff members and those included in this policy;
- vi. Providing advice where requested as regards the data protection impact assessments and monitoring that such assessments are completed to an appropriate standard;
- vii. Provide advice on data protection matters from staff, board members and other stakeholders;
- viii. Responding to individuals such as clients and employees who wish to know which data is being held on them by HEC;
- ix. Monitoring that appropriate data processing agreement are put in place with third parties that handle HEC's data and ensuring that reviews are carried out of third parties on a regular basis;
- x. Monitoring that the record of data processing activities (ROPA) is updated regularly.

5.10 Responsibilities of similar parties:

Anyone who processes personal data on behalf of HEC has a responsibility to comply with this data protection policy.

5.11 Training and awareness:

HEC staff shall receive training on this policy. New joiners will receive training as part of the induction process. Also, staff will be continuously reminded of data protection obligations through annual data protection obligations for signing; regular poster campaigns; e-mails to staff; resources on HEC's intranet site; regular awareness weeks; annual obligations notice.

5.12 Consequences of failing to comply:

HEC takes compliance with this policy very seriously. Failure to comply with any requirement may lead to disciplinary action under the relevant rules.

6 Queries Or Further Information About the HEC's Data Protection Policy

6.1. HEC has resources at its Internet site <https://hec.gov.pk/> and you should refer to these in the first instance.

6.2. If you cannot find the answer to your query on the website then you may contact:

Director HEMIS,
Higher Education Commission,
H-9, Islamabad
Pakistan

dir_hemis@hec.gov.pk

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