



**MISERICORDIA  
UNIVERSITY**

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Policy Steward **Mark Reboli:  
Networking and  
Telecommunications  
Manager**  
Area **IT, Networking  
Group**

## Privacy Policy

### I. Reason for the Policy

This policy describes Misericordia University's data protection strategy to maintain the confidence of those individuals that entrust their personal information to us and to comply with multiple regulations.

### II. Policy Statement

In order for Misericordia to educate students, engage in research, and provide community services, it is essential and necessary, that Misericordia has a lawful basis, to collect, process, use, and/or maintain the personal data of its students, employees, applicants research subjects, and others involved in its educational, research, and community programs. The activities include, without limitation, admission, registration, delivery of classroom and study abroad education, grades, communications, employment, applied research, development, program analysis for improvement, and record retention.

### III. Who Should Read This Policy

This policy applies to anyone who voluntarily provides personal information to the University including but not limited to users of any system's information or physical infrastructure regardless of its form or format, created or used to support the university. It is the user's responsibility to read and understand this policy and to conduct their activities in accordance with its terms.

### IV. The Policy

Misericordia University is committed to protect the privacy of individuals ("you" or "your") who share personal data with us.

The University values and respects your privacy. Information you entrust to Misericordia University will be handled with care and respect. This Privacy Policy is designed to assist you in understanding how we collect, use, and share personal information you provide to Misericordia University ("Misericordia," "us,"

or “we”) through [www.misericordia.edu](http://www.misericordia.edu), the main Misericordia University website or other sites thereby related to Misericordia that will end in [misericordia.edu](http://misericordia.edu) (“site” or “sites”). Misericordia also provides services such as Internet access etc. (“service” or “services”) in various forms or formats. This Privacy Policy (“Policy”) discloses the privacy practices of Misericordia. To the extent permitted by applicable law, by using our website, services, applications, etc. you are consenting to our collection and use of information in accordance with this Policy. This policy also applies to other means (phone, mail, etc.) whereby you have voluntarily provided your information to Misericordia.

## **1. Information Collected and Stored Automatically: Information You Manually Provide**

Misericordia collects the information you manually provide (using your keyboard, mouse, or touchpad) when you use our site/systems/or resources. For example, we collect the information you provide when you request information from us, apply for admission, register for campus visits, or otherwise interact with Misericordia. Some of the information you provide may be personally identifiable information. Types of personally identifiable information include, but are not limited to:

- full name
- address
- email address and phone numbers
- your parent’s(s’) full name(s), address(es), email address(es) and phone number(s)
- gender
- ethnicity
- academic information
- current and future enrollment information
- involvement in work, school, and community activities
- personal essays and/or posted messages
- birth date
- account credentials
- other information you may include on your application form.

### **Information and Use of Services by Minors**

Misericordia University is concerned about protecting children/minor’s privacy. A child/minor is anyone under the age of 18. However, this excludes enrolled university students under the age of 18; these students are subject to all applicable university policies, including the Student Conduct Code.

As a nonprofit higher education institution, we operate under the assumption that all visitors to our websites are over the age of 13. We do not knowingly collect personally identifiable information from children who visit our website. If a visitor known to be a child (that is an individual under the age of 13, as defined by the Children’s Online Privacy Protection Act) correspond such information to Misericordia, we

only will use it to respond to the writer and not to create profiles or otherwise retain the information.

The university does provide youth programs, including programs that utilize online software programs and third-party applications, and in certain circumstances, it is required to collect and use personal information from parents, guardians or participants for the purpose of providing, operating, improving and promoting the programs. During the registration for such programs, Misericordia will provide notice to and obtain the consent of the parents or guardians of the student regarding any additional information collection practices specific to the program. Any information is collected solely for the purpose of offering the program, and not for advertising the services of the third party or other commercial purposes.

## **Information From Your Browser or Device**

Misericordia collects information that is sent to us automatically by your web browser or mobile device. Information maybe collected with or without you taking action to provide it (e.g., cookies, cookie updates, web server logs, automatic browser logs, push notifications, mobile device access, geo-location information etc.) This information typically includes but is not limited to your IP address, the name of your operating system, the name and version of your browser, the date and time of your visit, and the pages you visit. The information we receive may depend on your browser or device settings. The information we receive from your web browser and device may or may not be personally identifiable. However, we may combine it with other information to identify you or we may combine it with information that does identify you. Accordingly, we treat such information as personally identifiable.

## **Information Collected by Cookies and Other Technologies**

Misericordia University may utilize cookies and other technologies, including device identifiers, to collect information and support certain features. For example, we may use these technologies to:

- collect information about the ways visitors use our sites and services - which pages they visit, which links they use, and how long they stay on each page;
- support the features and functionality of our sites and services - for example, to save you the trouble of reentering information already in our database or to prompt the settings you established on previous visits;
- for administration of services and other policies;
- personalize your experience when you use our sites and services; and
- improve our marketing efforts, including through use of targeted advertising. The information we collect using cookies and similar technologies may or may not be personally identifiable, but we may link it to personal information that you provide.

If you do not wish to receive cookies, you may set your browser to reject cookies or to alert you when a cookie is placed on your computer. Although you may not be required to accept cookies when you visit our sites or services, you may be unable to use all of the functionality if your browser rejects our cookies.

## **Information About Third-Party Cookies and Interest-Based**

## Advertising

In addition to the cookies Misericordia delivers to your computer through our sites or services, certain third parties may deliver cookies to you for a variety of reasons. For example, we use Analytics, an analytics tool helps us understand how visitors engage with our site(s).

Other third parties may deliver cookies to your computer for the purpose of tracking your online behaviors across nonaffiliated websites and delivering targeted advertisements either on our site(s) or on other websites that are available through our services.

## 2. Notice of Alternative Methods to Obtain Services

### In General

We respect your right to make choices about the ways we collect, use, and disclose the information you provide on or through our site(s) and services. We strive to provide choices to you at a meaningful time and in a meaningful place. This Notice describes some of your other choices.

### Do Not Track Mechanisms

Your browser may deliver a “Do-Not-Track (‘DNT’) signal” to our site(s). Because of the changing state of technology and indecision within the technology and marketing industries regarding the meaning of DNT signals, we currently do not make any guarantee that we will honor DNT signals.

### Previously Expressed Preferences

You may change previously expressed preferences regarding how we use information you provide on or through our site(s). For example, if you have provided your contact information and receive periodic emails from us, you may decide to stop receiving those emails by clicking the “unsubscribe” link in an email’s footer if available. You may be able to change other preferences through an account you create on our site(s). Otherwise, please contact us using the contact information provided below (Section 9).

### Marketing

In relation to marketing communications, we may provide you with an “opt-in” or “opt-out” mechanism depending on where in the world you are located. An “opt-in” mechanism will provide you the opportunity to positively indicate that you agree to our sending you such further communications and we will not send you any unless you have “opted-in.” An “opt-out” mechanism will provide you the opportunity to indicate that you do not want us to send you such further communications, and if you “opt-out,” we will not send you any.

### Failure to Provide Personal Data

Where we need to collect personal data by law or under the terms of a contract we have, and you fail to provide that information when requested, we may not be able to perform the contract. In this case, we

may have to cancel a service you have with us but we will notify you if this is the case at the time.

### **3. How do we Use Information we Collect?**

Our general stance on privacy of Misericordia University websites and services is that no data is collected except in cases where it fulfills a specific legitimate business need or purpose that:

- Is required for the business operations of the university, including research, teaching, engagement, administration, and management;
- Provides or improves desired service(s) to the user;
- Protects the security and integrity of the data; or,
- Protects the security and integrity of the website or service itself or the related network and computing resource(s).

### **4. How do we Safeguard Your Information and Data Breaches?**

We maintain appropriate administrative, physical, and technological measures to protect the confidentiality and security of personal information you submit on or through our sites and services. Unfortunately, no website, server or database is completely secure or “hacker proof.” We therefore cannot guarantee that your personal information will not be disclosed, misused, or lost by accident or by the unauthorized acts of others. Further, we cannot control dissemination of personal information you post on or through our site(s) using any social networking tools we may provide, and you should have no expectation of privacy in such information.

Misericordia University employs an Incident Response Plan to address any suspect breach or security incident to university systems or entrusted information. Misericordia is in Dallas, Pennsylvania therefore we adhere to the Pennsylvania Data Security Breach Notification Laws and statues determinedly in most cases. Should you believe that an incident or breach has occurred please contact us immediately as per below (Section 9).

### **5. How do we Share Information with Others?**

Misericordia may share information with others when there is consent, legitimate interests, the performance of a contract, legal obligations or vital interests as further outlined:

#### **With Third-Party Vendors**

Misericordia shares information collected through our site(s) or services with third-party vendors who act on our behalf. For example, we may use third-party vendors to design and operate our main Misericordia.edu website, to conduct surveys, and to help us with our promotional efforts. These third-party vendors may need information about you to perform their obligations. They are required by contract to keep your information confidential and to use it only to provide services on our behalf; however, as described below, we may allow them to use aggregate or anonymized data for their own purposes.

## **With Professional Advisers, Government Authorities, and Regulatory Agencies**

We may share information with professional advisers such as lawyers, bankers, auditors, or insurers who provide professional services to us. We may also share your information with government authorities (for example, in relation to tax) or other regulatory agencies as may be required by applicable law.

## **With Third-Party Social Media Platforms**

We may provide functionality on our site(s) that allows you to automatically post information to a third-party social media platform (such as Facebook, Twitter, or LinkedIn). If you choose to take advantage of this functionality, people with access to your profile on the third-party platform will be able to see your post. Thus, you should have no expectation of privacy in those actions. Further, if you choose to link your profile on our site(s) with an account on a third-party social media platform, we may share the information in your profile with that third-party platform. We may also use third-party social media platforms to offer you interest-based ads. To offer such ads, we may convert your email address into a unique value which can be matched by our partner company with a user on their platform. Although we do not provide any personal information to these platform vendors, they may gain insights about individuals who respond to the ads we serve.

## **In Aggregate or Anonymized Form**

We use information collected through our site(s) to create a compiled, aggregate view of usage patterns. We may share aggregate information with third parties so we and they can better understand our user base. We may also share with third parties information about how particular individuals use our site(s), but only on an anonymized basis.

## **To Comply with Laws and Protection of Our Rights and the Rights of Others**

We may disclose your information when we, in good faith, believe disclosure is appropriate to comply with the law, a court order, or a subpoena. We may also disclose your information to prevent or investigate a possible crime, such as fraud or identity theft; to protect the security of our site(s) or services; or to protect our own rights or property or the rights, property, or safety of our users or others.

## **As Described in a Privacy Notice or Click-Through Agreement**

We reserve the right to disclose your information as described in any applicable privacy notice posted on our site(s) or services or as described in any click-through agreement to which you have agreed or University services you utilize.

## **6. Users Located in the European Economic Area**

If you are located in the European Union, Iceland, Liechtenstein, or Norway (the "EEA"), in accordance

with Article 13 of the European Union General Data Protection Regulation 2016/679 (the "GDPR"), this section of the Policy (together with other relevant section of this Policy) provides information about the collection, use, processing, and sharing of data about you.

For the purposes of this section, "personal data" means any information relating to an identified or identifiable natural person. Misericordia University is the data controller for the purposes of personal data processed through our site(s). We have appointed a data privacy manager who is responsible for overseeing questions in relation to this Policy. If you have any questions about this Policy, including any requests to exercise your legal rights, please contact the data privacy manager using the contact information provided below. (Section 9)

## Lawful Bases for Processing

Misericordia processes personal data of visitors to our site(s) who are located in the EEA for the purposes set out above. The lawful basis for each purpose may be different. Please contact us if you would like to know the specific legal basis which applies in connection with a particular processing operation. In general, the lawful bases that Misericordia relies on are the following:

- Contractual necessity – Misericordia will process your personal data where necessary for us to meet our contractual commitments to you.
- Legitimate interests – this means our interest in conducting and managing our organization to enable us to give you the best service, providing the best and most secure experience, and fulfilling our mission of educating students to be informed citizens, thoughtful stewards, critical thinkers, and responsible leaders. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal data for our legitimate interests. We do not use your personal data for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law). Our legitimate interests include:
  - To provide, improve and customize our educational offerings;
  - To administer our operations;
  - To promote the success of our current and former students;
  - To further research and understanding in fields of academic study;
  - To maintain an ongoing relationship with alumni, donors, and prospective donors, and to help connect them with others;
  - To request gifts or donations;
  - To offer attendance to events and opportunities to volunteer;
  - To conduct admissions research;
  - To understand how our site(s) or service(s) is/are being used;
  - To develop and grow our operations;
  - To ensure the safety and security of our students, faculty, fellows, employees, and others;
  - To ensure cybersecurity;



- To enhance protection against fraud, spam, harassment, intellectual property infringement, crime, and security risks; and
  - To meet our obligations and enforce our legal rights.
- Consent or Explicit Consent – In accordance with applicable law, we may seek your consent or explicit consent to process personal data collected on this website or volunteered by you, for example, in relation to our marketing and promotional activities. This may also include the processing of certain “special categories” of personal data, otherwise known as sensitive personal data, as set out in the “What information do we collect” section above.
  - Compliance with laws and regulations – Misericordia will process your personal data where it is necessary for compliance with a legal or regulatory obligation that we are subject to. For example, the collection of ethnicity information in connection with equal opportunities reporting obligations.

## 7. International Transfers of Personal Data Outside of the EEA

As an institution of higher education located in the United States, the processing of all personal data by Misericordia through our site(s) or service(s) will take place in the United States. Visitors to our site(s) acknowledge that personal data provided or collected through our site(s) will be transferred to the United States. Misericordia may transfer your personal data to the third parties discussed above. We may transfer your personal data to other parties based outside the EEA relying on appropriate or suitable safeguards or specific derogations recognized under data protection laws, including the GDPR. Whenever we transfer your personal data to parties based outside the EEA, we ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards is implemented:

- We will transfer your personal data only to countries that have been deemed to provide an adequate level of protection for personal data by the European Commission.
- Where we use certain service providers, we may use specific contracts approved by the European Commission which give personal data the same protection it has in Europe.
- Where we use providers based in the US, we may transfer data to them if they are part of the Privacy Shield which requires them to provide similar protection to personal data shared between Europe and the US.

Please contact us if you want further information on the specific mechanism used by us when transferring your personal data to parties based outside the EEA. (Section 9)

If you have any complaints regarding our privacy practices, you have the right to make a complaint to your local EU data protection authority.

To submit a request, please contact us via the information below. Because we want to avoid taking action regarding your personal data at the direction of someone other than you, we may ask you for information verifying your identity. We try to respond to all legitimate requests within one month. Occasionally it could take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated. You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a



reasonable fee if your request is clearly unfounded, repetitive, or excessive. Alternatively, we could refuse to comply with your request in these circumstances.

## 8. Data Retention

We will retain your personal data for as long as is necessary for the purposes listed in this Policy unless a longer period is required under applicable law or is needed to resolve disputes or protect our legal rights or otherwise comply with legal obligations.

Account information is deleted upon account termination, however some data maybe retained for legitimate security purposes.

When assessing the data retention period, we take into account the amount, nature, and sensitivity of the information, the potential risk of harm from unauthorized use or disclosure of the data, the purposes for which we process the data and whether we can achieve those purposes through other means, and the applicable legal requirements.

## 9. Contact Us

If you have any questions regarding this Privacy Policy, please contact us at [privacyofficer@misericordia.edu](mailto:privacyofficer@misericordia.edu).

## 10. Updates to this Policy

The “Last Updated” legend at the top (or bottom) of this Privacy Policy indicates when this Policy was last revised. Any changes will become effective when we post the revised Privacy Policy on the Services. Your use of the Services following these changes means that you accept the revised Policy.

## V. Definitions

**Cookie** - is a small file placed on your device when you visit a site that can be understood by the site that issued the cookie.

## VI. Procedures

### Approval Signatures

Step Description	Approver	Date
Final Approval	Daniel Myers: President	12/2022
Final Review	Mark Van Etten: Vice President, Finance and Administration	12/2022

Val Apanovich: Director of  
Information Technology

12/2022

Mark Reboli: Networking and  
Telecommunications Manager

12/2022

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