

NAYEN Uniform Privacy Policy on Use and Disclosure of Confidential Information Obtained in Connection with the Rotary Youth Exchange Program

District _____ and any multi-district of which it is a member (hereinafter individually and collectively referred to as “the North American Rotary District”) adopt the following policy for handling information that many people would consider confidential. This policy applies to information collected in the Rotary Youth Exchange Program. This policy has been adopted in order to:

- Guide its volunteers about how to handle information in a confidential manner;
- Let the persons who provide information know how the North American Rotary District may use the information;
- Comply with the requirements for handling of information under:
 - Standards for Privacy of Individually Identifiable Health Information, 45 C.F.R. part 160 and part 164, as amended occasionally (“Privacy Standards”) under the Health Insurance and Portability and Accountability Act of 1996 (“HIPAA”);
 - Personal Information Protection and Electronic Documents Act (PIPEDA);
 - La Ley Federal de Proteccion de Datos Personales en posesion de los particulares (FLPPA); and
 - the General Data Protection Regulation (“GDPR”).

1. **Definitions.** These terms that are used in this policy shall have these definitions.

a. **“Confidential Information”** means the following types of information that is received or collected by the North American District:

- If HIPAA applies, “Protected Health Information,” as defined by HIPAA;
- If PIPEDA, “Personal data” as defined by PIPEDA;
- If FLPPA applies, “Sensitive personal data” as defined by FLPPA;
- Information collected on Rotary Youth Exchange Student Application forms and the Volunteer Affidavit and Host Family Application forms. Examples include, but are not limited to:
 - Names, addresses, telephone numbers, and email addresses;
 - Photographs of the exchange student and his or her family and friends;
 - Dates of birth;
 - Social Security Numbers;
 - Medical and dental information;
 - Religious and ethnic background;
 - Community service background;
 - Employment information;
 - Education records;
 - Letters of recommendation; and
 - References.
- Criminal record history including, but not limited to information obtained from criminal history searches and databases.
- References.
- Information about any history (accusations or convictions) of abuse, harassment, or crimes of violence.
- Information obtained from sexual offender registries.
- Information about Court orders involving sexual, physical, or verbal abuse including but not limited to a domestic violence or civil harassment injunction or protective order.

b. **“Use”** means the collection, processing, sharing, application, utilization, examination, or analysis of Confidential Information within the internal operations of the North American Rotary District.

c. **“Disclose” and “Disclosure”** mean the release, transfer, provision of access to, or divulging in any other manner, of Confidential Information outside the North American Rotary District’s internal operations or to those other than its agents. “Disclose” and “Disclosure” does not mean those Disclosures permitted by HIPAA, PIPEDA, FLPPA.

2. **HIPAA, PIPEDA, and FLPPA.** Information to be provided under this policy shall comply with all

Privacy Standards. The North American Rotary District agrees to ensure consistency in applying Federal, Provincial, and State laws and regulations, including but not limited to, regulations promulgated under HIPAA, PIPEDA, and FLLPA.

3. GDPR (General Data Protection Regulation). If GDPR applies, the North American Rotary District will comply with applicable portions of GDPR.

4. Use and Disclosure of Confidential Information. The North American Rotary District shall use and disclose Confidential Information *solely as necessary* to facilitate the Rotary Youth Exchange Program and Rotary Youth Exchange ROTEX programs. Examples of anticipated use and disclosure of Confidential Information include, but are not limited to:

Information from Exchange Students

- Providing copies of applications to the sponsor or host District Youth Exchange Committee, Host Clubs, Host Schools, and Host Families;
- Required sharing of information with a:
 - Department responsible for issuing visas;
 - Department or agency responsible for monitoring foreign visitors;
 - Department responsible for homeland security; or
 - Law enforcement agency;
- Providing copies of the Guarantee Form to Rotary International;
- Using the student's name and image on the North American Rotary District website and in Rotary newsletters;
- Sharing of student monthly reports with the sponsor and host Rotary Districts or Multi-Districts;
- Sharing of student electronic communication (including social media) with the sponsor and host Rotary Districts or Multi-Districts;
- Sharing information with a travel agent so it can help with travel arrangements and securing visas;
- Sharing information to facilitate participation in other Rotary programs including, but not limited to, ROTEX, RYLA, Interact, Rotaract, and membership in a Rotary club.

Information from Host Families

- Sharing information in the Volunteer Applications and Host Family Applications with the Host Clubs, District Youth Exchange Committee, Sponsor Districts, Host Schools, Sponsor Clubs, and the families of Inbound Students;
- Sharing information in the Criminal Background Checks and Reference Checks with the committee that determines whether family members meet the criteria to host;
- Sharing the information to run criminal background checks with an outside agency with which a member district has contracted to provide these checks.

Information from Rotary Volunteers

- Sharing information in the Volunteer Applications with the Host Clubs, District Youth Exchange Committee, Sponsor Districts, Sponsor Clubs, and the families of Inbound Students;
- Sharing information in the Criminal Background Checks and Reference Checks with the committee that determines whether family members meet criteria to serve as a volunteer; and
- Sharing the information to run criminal background checks with an outside agency with which the District has contracted to provide these checks.

Information to Law Enforcement Agencies. The North American Rotary District will provide Confidential Information to law enforcement agencies when it receives legal or appropriate requests and when required to do so under its Youth Exchange Sexual Abuse and Harassment Reporting Guidelines.

Information to the Department of State. The North American Rotary District will provide Confidential Information to the Department of State when required to do so under Department of State regulations.

Information to Rotary International. The North American Rotary District will provide Confidential Information to Rotary International when required to do so under its Youth Exchange Sexual Abuse and Harassment Reporting Guidelines.

Uploading information to database. Most of the above information is uploaded to a secure database.

5. Rights of Individual. To the extent that the General Data Protection Regulation (GDPR) of the European Union or a similar law applies and subject to any limitation imposed by law (United States, Canadian,

Mexican, state, provincial, or foreign) or by Rotary International policies and requirements, a person whose data has been collected or held by the North American Rotary District has the following rights:

- To request details about what information is being held about him or her;
- To amend or correct information that is being held about him or her;
- To limit the use of information that is being held about him or her; and
- To request deletion of the information that is being held about him or her.

Other laws and regulations may require that data be retained. Hence, usually the North American Rotary District cannot honor a request to delete data. Because much of the data is required to safely manage an exchange, the decision to comply with a request to delete data may cause the North American Rotary District to end the exchange or participation in the exchange.

6. Adequate Safeguards for Confidential Information. The North American Rotary District maintains safeguards to secure the data and prevent the use or disclosure of Confidential Information unless permitted by this policy. Data will be maintained securely until the data is destroyed. The North American Rotary District has a Data Protection Officer whose responsibilities include:

- Supervising security;
- Dealing with questions and concerns from students, host family members, volunteers, and third parties whose data is stored or collected; and
- Responding to requests for access to archived data pursuant to this policy.

7. Storage of Documents. Paper documents concerning each exchange shall be uploaded to the a secure database. To protect the integrity of the documents, the North American Rotary District will checksum verify them according to a schedule consistent with industry standards. The North American Rotary District shall make sure that at all times the records are stored in a document format that is generally supported. (This may require the North American Rotary District to convert documents from their original format to a new format that is generally supported.)

8. Availability of Internal Practices, Books, and Records to Government Agencies. The North American Rotary District agrees to make its internal practices, books, and records relating to the use and disclosure of Confidential Information available to the relevant authorities to determine the North American Rotary District's compliance with privacy regulations.

9. Disposition of Confidential Information. The North American Rotary District will hold confidential information in perpetuity, *except that:*

- *Paper documents.* No later than 30 days after the end of an exchange, the North American Rotary District shall destroy all paper documents.
- *Upon termination of a district* (excluding merger of the district with another district), the district shall destroy all Confidential Information in its possession or control and all Confidential Information in the possession or control of persons over whom it exercises control.
- *With respect to a host family that the member district declines to allow to host,* the North American Rotary District will destroy all data of the host family and its members five years after the District communicates its decision to the family.
- *With respect to a prospective outbound student who the North American Rotary District declines to send on an exchange,* the North American Rotary District will destroy all data 11 years after the member district communicates its decision to the student and his or her family.
- *With respect to a prospective inbound student who the North American Rotary District declines to host or is unable to place,* the North American Rotary District will destroy all data 12 years after the North American Rotary District communicates its decision to student's sponsoring district.

At the conclusion of an exchange, any collected information retained by the North American Rotary District shall be retained only in a secure database.

Any *host or sponsor Rotary Club* shall destroy all information collected (including but not limited to Student Applications, Volunteer Applications, Criminal Background Checks, Host Family Applications, References, and Interview and Inspection Forms:

- At the conclusion of the exchange;
- Promptly after a student is notified that the student was not accepted into the program;
- Promptly after a Host family applies and is notified that the family has not been accepted as a host family;

- Promptly after a volunteer applies and is notified that the volunteer has not been selected to serve; or
- Promptly after the conclusion of the period of validity of a Volunteer Application.

Host Rotary Clubs may retain contact information so that they can maintain contact with former exchange students, former host families, and former volunteers.

10. Archiving of Confidential Information. Five years after the conclusion of each exchange, the North American Rotary District shall transfer all collected data to an archive where access shall be restricted to its Data Protection Officer. Only basic contact information on students and information documenting the host families in which a student was placed may be retained outside the archive. The Data Protection Officer controls access to archived data. Persons who want access to archived information must submit to the Data Protection Officer a written request that clearly explains the basis for the request.

- Access to the data will be allowed when required by law.
- Access to the data will be allowed when a government department or agency responsible for admitting or monitoring exchange students (such as the US Department of State) or Rotary International require access to the data.
- The Data Protection Officer should generally allow access to archived data if it contains relevant evidence to support or defend a legal claim or lawsuit. The Data Protection Officer decides whether the data contains relevant data and may require a person who requests this data to sign an agreement which may include various terms including limiting the use of the data, limiting the persons who may see the data, and requiring the eventual return or destruction of all copies of the data that were provided.

If a valid subpoena is issued for archived data, the North American Rotary District may seek a protective order with various provisions including limitation of the data produced, restricting the use of the data, restricting the persons who may see the data, and requiring the return or destruction of all copies of the data.

11. Survival. The terms of paragraphs 4 through 9 shall survive the termination of this Agreement.