THE COUNCIL OF LEGAL EDUCATION
THE NORMAN MANLEY LAW SCHOOL

Data Protection Policy

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PWS 13/3/2025

DEFINITIONS

Key Terms	Definitions
Consent	Consent is any freely given, specific, informed, and unambiguous indication of a data subject's wishes by which the data subject, either by a statement or by a clear affirmative action, signifies agreement to personal data relating to them being processed.
Data	Information in a format that can be processed, including electronic data and physical data.
Personal Data	Any information relating to an individual data subject who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, online identifier, or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural, or social identity of that person. This data could be anything from a name, an email address, geolocation data, or even a username or IP address.
Sensitive Personal Data	Any personal data that pertains to or can be specifically attributed to an individual that reveals information of the following sensitive nature: genetic or biometric data, racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, sexual orientation, personal health information, information regarding the alleged commission of an offence.
Data Controller	Data controllers are people or organisations that hold and use personal data, either alone, jointly, or in common with others. They decide how and why the information is used and have a responsibility and obligation to establish workplace practices and policies that are in line with the Data Protection Act or any other relevant legislation.
Data Subject	An identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, online identifier, or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural, or social identity of that person.

Data Processor	In relation to personal data, means any person other than an employee of the data controller, who processes the data on behalf of the data controller.
Data Processing	Any operation or set of operations that is performed upon personal data or sets of personal data, which includes obtaining, recording or storing the information or personal data, or carrying out any operation or set of operations (whether or not by automated means) on the information or data, including – a) organisation, adaptation or alteration of the information or data; b) retrieving, consulting or using the information or data; c) disclosing the information or data by transmitting, disseminating or otherwise making it available; or d) aligning, combining, blocking, erasing or destroying the information or data, or rendering the data anonymous.
Data Storage	The retention of retrievable data on a computer, electronic system or other physical place from which the item or information may be retrieved

Table 1. List of Acronyms/ Abbreviations

Initialisms/Acronyms	Meaning
DPA	Data Protection Act, 2020
DPO	Data Protection Officer
IP	Internet Protocol
IT	Information Technology
JD	Job Description
NMLS	The Council of Legal Education – Norman Manley Law School
OIC	Office of the Information Commissioner
PMAS	Performance Management and Appraisal System

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1.0 TITLE: Data Protection Policy

1.1 BACKGROUND

The Council of Legal Education (CLE) is a regional institution duly constituted by an inter-governmental agreement (The Treaty) and operates from the Norman Manely Law School (NMLS) in Kingston Jamaica; The Hugh Wooding Law School in Trinidad & Tobago & The Eugene Dupuch Law School in Nassau, the Bahamas.

2.0 POLICY STATEMENT

The Council of Legal Education -Norman Manley Law School (NMLS) is committed to maintaining the privacy and security of personal data. The NMLS Data Protection Policy is designed to ensure compliance with the Data Protection Act 2020 (DPA). It seeks to provide a framework for adequate data protection practices for all employees and agents of NMLS and will be supported by a series of additional policies focusing on specific areas of compliance with the DPA. As a data controller, the NMLS shall process the personal data of all data subjects in accordance with the eight data protection standards, regulations and codes of practice stipulated by the Act.

2.1 Data Protection Standards under the DPA

a) **Standard 1- Fair and lawful processing-** Personal data must be collected and processed in a legal, fair, and transparent manner.

b) **Standard 2- Purpose limitation-** Personal data may only be collected or processed for one or more specific purposes, and personal data may not be further processed for any reasons other than this specific purpose.

c) **Standard 3- Data minimisation-** All personal data that is collected and processed must be relevant and adequate, as well as limited strictly to what is necessary for the intended purpose of processing.

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d) **Standard 4- Data accuracy-** All personal data that is collected and processed must be accurate at all times, as well as updated when necessary.

e) **Standard 5-Data retention-** Personal data may not be stored for any period of time longer than is needed to achieve the purpose for which it was collected and processed.

f) **Standard 6- Consideration of data subject's rights-** Personal data must be collected and processed in accordance with the rights of data subjects.

g) **Standard 7- Data security-** Data controllers are responsible for implementing appropriate technical and organisational measures to ensure that personal data is safeguarded from unauthorised use, processing, damage, destruction, or accidental loss. The controller is responsible for ensuring that its processors are processing personal data on its behalf in the manner required by law.

h) **Standard 8- International transfers-** The personal data of data subjects may not be transferred to any territory outside of Jamaica unless said territory "has an adequate level of protection for the rights and freedom of data subjects in relation to processing personal data".

3.0 PURPOSE

The purpose of this policy is to provide guidelines on how personal data must be processed to meet data protection standards, comply with governing privacy and data protection laws and respect individual rights. The purpose of this policy is as follows:

a) Establish the framework for compliance with the DPA and any other applicable data protection and privacy laws and follow best practices.

b) Ensure employees' roles are clearly defined, understood, and adhered to.

c) Protect the rights of employees, customers and any related data subjects as guaranteed by relevant legislation.

d) Ensure transparency around how NMLS processes personal data.

e) Balance the value of NMLS' personal data processing activities against the risk to data subjects.

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4.0 SCOPE

This Data Protection Policy applies to all business processes, information systems and components, personnel, and physical areas of NMLS. It applies to the processing of personal data and any other procedures related to personal data of any individual in both electronic and hard copy. The Policy shall be integrated into NMLS' operational procedures and contractual arrangements.

This Policy applies to the following individuals or groups:

a) All prospective, current and past students

b) All prospective, current and past employees, whether employed on a full-time or part-time basis

c) All contractors, suppliers, and all other third parties working on behalf of NMLS

d) All clients and customers of NMLS

e) Any other data subjects identified in the regular course of business.

5.0 PROCEDURE

Duties and Responsibilities of the Data Controller:

Under the DPA, NMLS is a data controller and is required to comply with the provisions of the Act. Primarily, NMLS is required to do the following:

a) Register with the Office of the Information Commissioner ("OIC") by providing the registration particulars as specified in the DPA.

b) Appoint a Data Protection Officer (DPO).

c) Comply with all eight (8) data protection standards, including promoting and facilitating the rights of data subjects when processing personal data.

d) Report any contravention of the data protection standards and any security breach affecting personal data to the OIC within seventy-two (72) hours of becoming aware of same.

e) Notify data subjects of any contravention or security breach that affects their personal data within seventy-two (72) hours of becoming aware of same.

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f) Submit a data protection impact assessment annually to the OIC in respect of all personal data in NMLS's custody or control.

Data Use:

a) Where applicable, NMLS will provide each data subject with information regarding the processing of their information.

b) NMLS will consider the data subjects' perspective whenever processing personal data.

c) Any processing of data subjects' data must comply with the data processing standards as set out in the Data Protection Act.

d) When working with personal data, users will ensure screens are locked when left unattended.

e) NMLS users will not informally share personal data. For example, personal data will not be shared via email unless explicitly noted as being encrypted.

f) Users will refer to their manager/supervisor or the data protection officer if personal data is anticipated to be transferred outside of the users' region.

g) When possible, users will access personal data via a master file or original data set.

Providing Information – Data Subject Requests:

NMLS will ensure that requests based on each of the following can be satisfied:

- o Right of Access
- o Right to object to processing for the purpose of Direct Marketing
- o Objection to automated decision-making and profiling
- o Right to Prevent Processing
- o Right to Data Portability
- o Data rectification

NMLS aims to ensure that individuals are aware that their data is being processed, and they understand:

- o How the data is being used
- o How to exercise their rights

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b) Should NMLS reasonably require further information in order to satisfy itself as to the identity of the data subject making the request, it shall inform the data subject of that requirement.

c) Data subject rights requests will be managed by the data protection officer.

d) NMLS will respond to each data subject request within the time period set out in the DPA for the specific request.

e) When a data subject request cannot be adequately addressed, the following information will be provided to the data subject:

   o An acknowledgement of receipt of the request

   o Any information located to date

   o Details of any requested information or modifications that will not be provided to the data subject, the reason(s) for the refusal, and any procedures available for appealing the decision

   o An estimated date by which any remaining responses will be provided

   o An estimate of any costs to be paid by the data subject (e.g. where the payment of a prescribed fee under the Act is required in order for the request to be fulfilled)

   o The name and contact information of NMLS' point of contact

Data Collection:

a) NMLS and associated users or partners will collect personal data in a manner that is fully transparent with data subjects and in accordance with the law.

b) Users will refrain from knowingly collecting the personal data of any data subject without authorisation from a Head of Department (HoD)/supervisor, an attorney with the conduct of a matter. It is advisable to consult with the DPO to determine whether additional data collection is permissible under the DPA.

c) When it is determined that notification to the data subject is required, notification should occur promptly and adhere to guidelines within the Consent Policy.

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d) When necessary, NMLS will obtain consent from data subjects in accordance with the Consent Policy and through the authorisation of the data protection officer.

e) Consent from the data subject will be provided in writing.

f) Consent obtained orally from a data subject will be reviewed by the data protection officer.

g) NMLS' external-facing website(s) will include a privacy notice.

Data Accuracy:

a) NMLS will take reasonable measures to ensure that personal data remains accurate across the organisation.

b) All users at NMLS will take reasonable steps to ensure personal data is kept as accurate and up to date as possible.

c) Data stored at NMLS will be held in centralised locations. Users will not create unnecessary additional data sets.

d) Where applicable, NMLS will ensure data subjects can easily update their information.

Baseline Requirements:

o Employees will keep all data secure by taking sensible precautions and following guidelines outlined within this policy and any associated procedures.

o Data will not be shared informally; defined data access levels will be determined based on role and existing access controls.

o NMLS will provide training to all employees to help them understand their responsibilities when handling data. Refer to the Security Awareness Training Policy for further detail.

o Personal data will not be disclosed to any unauthorised person, either within the organisation or externally.

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Non-Compliance

Violations of this policy will be treated like other allegations of wrongdoing at NMLS. Allegations of misconduct will be adjudicated according to established procedures. Sanctions for non-compliance may include, but are not limited to, one or more of the following:

a) Disciplinary action according to applicable NMLS policies.

b) Termination of employment.

c) Legal action according to applicable laws and contractual agreements.

d) Users will follow associated procedures and notify relevant staff when reporting incidents or data breaches. For further details, refer to the Incident Response Policy.

6.0 RESPONSIBILITY

6.1 Records Management

6.11 Data Storage

These rules describe how and where data should be safely stored.

a) When data is stored electronically, it will be protected from unauthorised access, accidental deletion, and malicious hacking attempts.

b) NMLS will protect data with strong passwords. Refer to the Access Control Policy for further details.

c) Users will refrain from using removable media; if data is stored on removable media devices, they will be stored securely.

d) NMLS data will be stored on designated drives and servers and will only be uploaded to approved cloud computing service(s).

e) Servers containing personal data will be sited in a secure location, away from general office space.

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f) Users will refrain from saving data directly to devices.

g) Users will refrain from storing data on paper and only print when necessary.

h) When not required, the paper or files should be kept in a locked drawer or filing cabinet.

i) NMLS users will ensure paper documents are not left where unauthorised persons can view them (e.g. on a printer).

6.12 Data Retention:

o Data should be regularly reviewed against the Records Retention Schedule. If no longer required, data should be deleted and disposed of. Refer to the Records Retention Schedule for further details.

o Paper documents will be shredded and disposed of securely when no longer required.

6.1.1 Monitoring and Evaluation

The principal is responsible for NMLS compliance with this policy and the relevant data protection laws, including compliance with its processor(s). Oversight of the assessment and mitigation of the risks that data collection and processing may raise to individuals, including weighing the risk of the information used against its benefits. Risk assessment also means conducting periodic reviews of the organisation's overall privacy program and information uses in light of changes in business models, law, technology and other factors and adapting the program to changing levels of risk.

6.1.2 Duties and Responsibilities of the Principal

The Principal shall:

a) Provide oversight for data protection and the responsible use of data, including governance and buy-in from all levels of management,

b) Oversea the establishment of internal written policies and procedures that operationalise legal requirements, create concrete processes and controls to be followed by the organisation and reflect applicable law, regulations, industry standards, and the organisation's values and goals.

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c) Provide transparency to all stakeholders, internally and externally, about the organisation's data privacy program, procedures and protections, data uses, the rights of individuals in relation to their data and the benefits and/or potential risks of data processing. This may also include communicating with relevant data privacy authorities, business partners and third parties about the organisation's privacy program.

d) Provide training and resources for employees and raise awareness of the internal privacy program, its objectives and requirements, and the implementation of its requirements in line with the employees' roles and job responsibilities. This will ensure that data privacy is embedded in the organisation's culture and becomes a shared responsibility.

e) Ensure monitoring and verification of the implementation and effectiveness of the program and internal compliance with the overall privacy program, policies, procedures and controls through regular internal or external audits, other monitoring mechanisms and redress plans.

6.1.3   Duties and Responsibilities of the Data Protection Officer:

Responsibility for day-to-day activities involving monitoring internal compliance and advising and informing of data protection responsibilities will rest with a DPO.

The DPO shall monitor NMLS's compliance in an independent manner and shall report on the status of the program to the Principal on a bi-monthly basis. Where nonconformities are identified and brought to the attention of the Principal, should the Principal fail to take active steps to correct the nonconformity in a reasonable time, the DPO shall report directly to the Executive Committee of the CLE.

Under the DPA, the Data Protection Officer is responsible for:

f) Ensuring that NMLS processes personal data in compliance with the data protection standards and with the provisions of the DPA

g) Consulting with the OIC to resolve any doubts about the application of the provisions of the DPA or any regulations made under the Act

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h) Ensuring that any contravention of the data protection standards or any provision of the DPA by NMLS is dealt with as set out in the Act

i) Assisting data subjects in the exercise of their rights under the DPA

j) Oversight for implementing response and enforcement procedures to address inquiries, complaints, data protection breaches and internal non-compliance and enforce against acts of non-compliance.

6.1.4 Data Protection:

IT staff will use necessary physical and technical controls and organisational measures to ensure the protection and security of all data-containing infrastructure. For further details, refer to the Access Control policy.

7.0 ASSOCIATED DOCUMENTS
Relevant Policies & Procedures

- o Security Awareness Training Policy
- o Personal Data Records Retention and Protection Policy and Schedule
- o Access Control Policy
- o Backup and Recovery Schedule
- o Incident Response Policy
- o Consent Policy
- o Use of Encryption Policy
- o Data Protection Policy Agreement– See Appendix II

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8.0 APPROVAL

Current Document Revision #:	Rev# 00
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9.0 APPENDIX I

Governing Laws, Regulations, and Standards

Guidance	Clarification/Section
The Data Protection Act, 2020	Jamaican data privacy law

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APPENDIX II

DATA PROTECTION POLICY AGREEMENT

I have read and understand the Data Protection Policy. I understand that if I violate the rules explained herein, I may face legal or disciplinary action according to applicable laws or company policy.

_____

Employee Name

_____   _____

Employee Signature   Date