PRIVACY NOTICE FOR DIVISION OF HUMAN RESOURCES

The Montclair State University (the “University”) Division of Human Resources (“Human Resources”) is committed to safeguarding the privacy of personal data provided by our applicants, employees and student worker employees (“HR Clients”). This Privacy Notice outlines the University’s collection, use, and disclosure of information provided to Human Resources by HR Clients (“HR Client Information”). When an HR Client submits information to Human Resources, or use the University’s websites and other services, the HR Client consents to the University’s collection, use, and disclosure of that information as described in this Privacy Notice.

UNIVERSITY USE OF INFORMATION

**HR Client Information** is personal data collected by the University concerning an HR Client that is not Sensitive Information.

**Sensitive Information** is data collected by the University concerning an HR Client’s race, ethnic origin, trade union membership, health data, sexual orientation, and criminal convictions.

Human Resources collects HR Client Information from HR Clients in order to respond to HR Client’s application for employment. Human Resources also collects information concerning criminal convictions of HR Clients, with HR Client’s consent, to consider HR Client for employment. Human Resources also uses HR Client Information, and data concerning HR Client’s trade union membership, health data, and sexual orientation, to administer an employment contract between HR Clients and the University, including but not limited to, administer payroll and benefits, and to provide reasonable accommodations. Human Resources also collect data concerning HR Client’s race and ethnic origin for research purposes, and de-identifies such data for statistical reporting as may be required by federal and state laws and regulations. With the exception of race, ethnicity, health data and sexual orientation, HR Clients are obligated to provide HR Client Information and Sensitive Information and the failure to do so may result in the University’s inability to offer or continue employment.

In addition, Human Resources may use HR Client Information to analyze and improve Human Resources hiring practices, for regulatory reporting and auditing, and other University processes and functions. Human Resources may also use HR Client Information to conduct general demographic and statistical research. Human Resources may also share HR Client Information with other divisions and departments within the University and the State of New Jersey, and contractors of the University, as necessary to administer and manage an HR Client’s employment, to comply with applicable collective bargaining agreements, to administer benefits and/or to enforce University policies.

Finally, Human Resources may share HR Client Information with third parties who have entered into contracts with the University to perform HR functions on behalf of the University, who are contractually obligated to maintain confidentiality and prevent unauthorized disclosure.
THIRD PARTY USE OF INFORMATION

HR may use and disclose information to third parties as follows:

Archiving. HR Client Information and Sensitive Information may be shared for archiving purposes in accordance with requirements imposed upon the University by the State of New Jersey, historical research, and statistical purposes subject to appropriate safeguards to maintain privacy of the Sensitive Information.

Charitable Organizations. We share HR Client Information with the Montclair State University Foundation and other not-for-profit organizations in connection with charitable giving.

Consent. We may disclose your HR Client Information and Sensitive Information if we have your consent.

De-Identified and Aggregate Information. We may disclose HR Client Information and Sensitive Information in de-identified or aggregate form without limitation.

Emergency Circumstances. We may disclose HR Client Information and Sensitive Information with third parties if, in our sole judgment, such disclosure is necessary to protect the health, safety, or property of any person. We may also share HR Client Sensitive Information when necessary to protect your interests and you are physically or legally incapable of providing consent. We may also share your HR Client Sensitive Information when necessary to protect against the spread of disease.

Employment Necessity. We may share HR Client Information and Sensitive Information when necessary to evaluate your application for employment and, if employed, for administering your employment or social security benefits in accordance with applicable law or any applicable collective bargaining agreement, subject to the imposition of appropriate safeguards to prevent unauthorized disclosure.

Legal Obligation. We may disclose HR Client Information and Sensitive Information when the disclosure is required by applicable law.

Medical. We may disclose HR Client Information and Sensitive Information for the purpose of preventive or occupational medicine, for the assessment of your capacity to work, medical diagnosis, the provision of health or social care or treatment or the management of health systems and services, to ensure high standards of quality and safety of health care and medical products, or pursuant to a contract with a health professional, subject to appropriate safeguards and a confidentiality agreement with the medical professional.

Performance of a Contract. We may share your HR Client Information when necessary to administer your employment contract, and any other contract with the University.

Public Information. Your HR Client Information and Sensitive Information may be shared if you have manifestly made it public.
Research and Studies. We may share de-identified HR Client Information and Sensitive Information with third parties that study topics related to higher education or develop products or services designed to improve recruitment and hiring by higher education.

Service Providers. We use third parties who have entered into a contract with the University to support the administration of University operations and policies. In such cases, we share HR Client Information and Sensitive Information with such third parties subject to the obligation to keep the information confidential and the imposition of appropriate safeguards to prevent unauthorized disclosure.

Trade Unions. If you are a current, former or potential member of a trade union that has entered into a collective bargaining agreement with the University, HR Client Information may be shared in connection with the trade union’s purposes, on the condition it not be shared further without your consent.

University Affiliated Programs. We may share HR Client Information with third parties that are affiliated with the University for the purpose of contacting you about goods, services, charitable giving or experiences that may be of interest to you.

SECURITY

We implement appropriate technical and organizational security measures to protect HR Client Information when it is transmitted to Human Resources and stored in our information technology systems. Unfortunately, no data transmission or storage can be guaranteed to be 100% secure. When HR Clients send the University information over the Internet, the University uses industry standard SSL (secure socket layer) encryption. User names and passwords are implemented to protect HR Client Information and to control access to the HR Client. We strongly advise you not to share your password with anyone.

COOKIES AND OTHER INFORMATION TECHNOLOGY

The University’s use of cookies and other data from information technology can be found in the University’s Privacy Notice for the Website.

RETENTION AND DESTRUCTION OF YOUR INFORMATION

Your information will be retained by Human Resources in accordance with applicable U.S. federal laws, and the applicable retention periods in the Record Retention Schedule adopted by the State of New Jersey, Department of the Treasury, Division of Revenue and Enterprise Services – Record Management Services that is applicable to 4 Year Colleges and Universities. Your information will be destroyed upon your request unless applicable law requires destruction at the expiration of the applicable retention period. The manner of destruction shall be appropriate to preserve and ensure the confidentiality of your information given the level of sensitivity, value and criticality to the University.
YOUR RIGHTS

Subject to all applicable laws, HR Clients have the right to request access to, a copy of, rectification, restriction in the use of, or erasure of their HR Client Information. Applicants and employees of the University may access, modify or delete certain HR Client Information in the University’s information technology systems. However, the erasure of HR Client Information shall be subject to the retention periods of applicable federal law and the Record Retention Schedule adopted by the State of New Jersey, Department of the Treasury, Division of Revenue and Enterprise Services – Record Management Services that is applicable to 4 Year Colleges and Universities. Employees may exercise these rights by accessing their account in Workday. Applicants for employment may exercise these rights by accessing the account created in the University’s information technology systems. You may also contact eugdpr-HR@montclair.edu for assistance.

Information created in the European Union will be transferred out of the European Union to the University. If you feel the University has not complied with applicable foreign laws regulating such information, you have the right to file a complaint with the appropriate supervisory authority in the European Union.

UPDATES TO THIS POLICY

We may update or change this policy at any time. Your continued use of Human Resources’ website and third party applications after any such change indicates your acceptance of such changes.

Last update: 5/11/18