NETSUPPORT SERVICEDESK, DATA PROTECTION, PRIVACY AND COMPLIANCE

Introduction

As a publisher of software designed to help organisations deliver learning outcomes, we recognise that there is an onus on us to help those organisations understand how to use the functionality and ensure the safety and security of any personal information involved. This is no different with NetSupport ServiceDesk, our on-premise service and task management system.

This document is aimed at UK/EU customers but also supports best practices and advice for other regions (e.g., US – COPPA/FERPA). Ultimately, we hope it provides you with a better understanding of where we can help you and your subsequent responsibilities.

UK/EU GDPR

The **EU General Data Protection Regulation ("GDPR")** came into force across the European Union on 25th May 2018 and brought with it the most significant changes to data protection law in two decades. Based on privacy by design and taking a risk-based approach, the EU GDPR has been designed to meet the requirements of the digital age. Subsequently, upon leaving the EU, the **Data Protection Act 2018** was updated to enact the **UK GDPR**, replicating the EU GDPR.

The UK GDPR aims to standardise the regulation of data protection laws and processing across the UK and work alongside the EU regulations, as well as influence other legislation across the globe – affording individuals stronger, more consistent rights to access and control of their personal information.

NetSupport ServiceDesk is a browser-based helpdesk, designed to be at key for the support of any reliable and effective IT environment. Easily integrated into your existing IT infrastructure, NetSupport ServiceDesk delivers the processes needed to help you effortlessly track, organise, manage and answer the toughest support challenges. Its fully customisable and intuitive browser-based interface supports both desktop and mobile platforms and delivers robust workflow processes. It also supplies a wealth of management reports as well as providing a customer-friendly self-service portal – all the tools needed to help technicians deliver support effectively.

A NetSupport ServiceDesk installation processes personal data and, as such, is impacted by the GDPR. This document will provide you with all the information you need relating to NetSupport ServiceDesk to ensure that personal data is processed in accordance with the GDPR and other relevant data protection and privacy legislations. The following sections are designed to help you with your Record of Processing Activities, any risk assessments you may need to complete, any due diligence needed during purchase/procurement and to help you with information you may need for your Privacy Notice.

COPPA and FERPA compliance (USA)

Children's Online Privacy Protection Act of 1998 (COPPA) places requirements on operators of websites or online services directed to children under the age of 13 years old, and on operators of websites or online services that have actual knowledge that they are collecting personal information online from a child under the age of 13 years. The Family Educational Rights and Privacy Act (FERPA) protects the privacy of student education records. It protects personally identifiable information (PII) in students' information records from unauthorised disclosure.

NetSupport ServiceDesk fully meets the requirements for compliance as it is a fully on-premise solution. No data is shared with NetSupport or third-party services, and any information collected within NetSupport ServiceDesk is solely used for the purpose of tracking and the management of communications with users regarding any items reported to the service desk, recording and management of support tasks, change management and resultant activities. It also provides the ability to enable custom fields for additional recording and management. This enables customers to make their own decisions about what is tracked, recorded and communicated through NetSupport Service Desk.

How does NetSupport ServiceDesk process personal data?

USER ACCOUNTS

NetSupport ServiceDesk can be configured to integrate with an on-premise Active Directory. If this is configured, then NetSupport ServiceDesk will read the contact details for all the users specified from the Active Directory and store these in the ServiceDesk database.

COMMUNICATIONS

NetSupport ServiceDesk is used to track and manage communication with customers regarding any items reported to the service desk and, as such, can be configured to automatically track emails. Details of any other communication can also be manually recorded. All the recorded information is stored in the NetSupport ServiceDesk database.

CUSTOM RECORDS

NetSupport ServiceDesk can also be configured to record any custom information into any number of custom data fields. This user-defined content can be any kind of data. All the information stored in the NetSupport ServiceDesk database can be formatted and displayed in the user's browser or used to provided notifications by email.

Where is the personal data stored?

NetSupport ServiceDesk is an on-premise solution and runs on servers located at the school. The data stored in NetSupport ServiceDesk is stored in an SQL server database that is either installed as part of the installation or a pre-existing SQL database server. Where sensitive data is stored in the NetSupport ServiceDesk database, this data is stored in an encrypted format. Where the SQL database server is installed as part of the NetSupport ServiceDesk installation, any direct access to the database is restricted by the security policies built into the Microsoft SQL Server. Where a pre-

existing SQL server is used, the access is controlled by the security policy in place for the pre-existing SQL server.

WHAT DATA IS COLLECTED AND STORED?

The table below lists all of the personal information that is stored in the on-premise NetSupport ServiceDesk database.

Name	Purpose	Legal Grounds	Sensitivity	Collection
Name	Identification	Public task / Legitimate interests*	Personal Data	**Automatically collected**
Logon Name	Identification	Public task / Legitimate interests*	Personal Data	**Automatically collected**
Email Address	Communication	Public task / Legitimate interests*	Personal Data	**Optional data**
Phone Number	Communication	Public task / Legitimate interests*	Personal Data	**Optional data**
Mobile Phone Number	Communication	Public task / Legitimate interests*	Personal Data	**Optional data**
Department	Identification	Public task / Legitimate interests*	Personal Data	**Optional data**
Organisation Name	Identification	Public task / Legitimate interests*	Personal Data	**Optional data**
Emails/Notes	Communication	Public task / Legitimate interests*	Personal Data	**Automatically Created**

NetSupport SERVICEDESK and the GDPR data subject rights

The GDPR defines eight rights of the individual with regard to the processing of personal data. Part of complying with the new regulations is to ensure that you can meet the terms of these individual rights. In this section, we explain each right and how it affects the NetSupport ServiceDesk product.

THE RIGHT TO BE INFORMED

Individuals have the right to be informed about the collection and use of their personal data. This is a key transparency requirement under the GDPR. For further information and guidance see https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-to-be-informed/

When using NetSupport ServiceDesk, you should ensure that your customers are made aware of your requirement to record their details. This should be part of your Privacy Policy/Notice.

THE RIGHT OF ACCESS

Under GDPR, individuals have the right to access their personal data. This allows individuals to be aware of and verify the lawfulness of the processing.

See https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation- gdpr/individual-rights/right-of-access/

If a data subject requests access to all the personal data held about them, NetSupport ServiceDesk provides an Export facility that can be used to export all the data relating to a

contact in the database. If this is not available in your current version, then the NetSupport Technical Support team can provide you with a script to export this data.

THE RIGHT TO RECTIFICATION

Under Article 16 of the GDPR, individuals have the right to have inaccurate personal data rectified. See https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation- gdpr/individual-rights/right-to-rectification/

If you are contacted with a request to rectify information, all information can be updated manually by using the NetSupport ServiceDesk. If the information is updated in the Active Directory and your NetSupport ServiceDesk is configured to synchronise with this, then the ServiceDesk information will be automatically updated..

THE RIGHT TO ERASURE

Under Article 17 of the GDPR, individuals have the right to have personal data erased. This is also known as the 'right to be forgotten'. The right is not absolute and only applies in certain circumstances. For information on when this right is applicable, see the ICO guidance at: https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-to-erasure/

When a user is deleted from NetSupport ServiceDesk, the user's details are still recorded to allow for the constancy of historical data. To completely purge a deleted user, the latest release of NetSupport ServiceDesk includes a feature in the database configuration to do this. For those using older versions, our Technical Support team can provide you with a database script to fully remove any deleted data.

THE RIGHT TO RESTRICT PROCESSING

Article 18 of the GDPR gives individuals the right to restrict the processing of their personal data in certain circumstances. The right is not absolute, however. In most cases, you will not be required to restrict an individual's personal data indefinitely but will need to have the restriction in place for a certain period of time.

See https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation- gdpr/individual-rights/right-to-restrict-processing/

NetSupport ServiceDesk does not automatically collect any data. All personal data is stored as either a manual action on the part of the ServiceDesk user or as a result of sending an email to the ServiceDesk.

THE RIGHT TO DATA PORTABILITY

The right to data portability only applies:

- to personal data an individual has provided to a controller
- where the processing is based on the individual's consent or for the performance of a contract
- when processing is carried out by automated means.

See https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation- gdpr/individual-rights/right-to-data-portability/

This is unlikely to apply to any data processed by NetSupport ServiceDesk.

THE RIGHT TO OBJECT

The guidance from the ICO states that individuals must have an objection on 'grounds relating to his or her particular situation'. And that you must stop processing the personal data unless 'you can demonstrate compelling legitimate grounds for the processing, which override the interests, rights and freedoms of the individual'.

See https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation- gdpr/individual-rights/right-to-object/

NetSupport ServiceDesk does not automatically collect any data and all personal data is only stored as either a manual Acton on the art of the ServiceDesk user or as a result of sending an email to the ServiceDesk.

RIGHTS IN RELATION TO AUTOMATED DECISION MAKING AND PROFILING

The GDPR has provisions on:

- automated individual decision-making (making a decision solely by automated means without any human involvement); and
- profiling (automated processing of personal data to evaluate certain things about an individual). Profiling can be part of an automated decision-making process.

See https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation- gdpr/individual-rights/rights-related-to-automated-decision-making-including-profiling/

NetSupport ServiceDesk does not perform any decision-making based solely on automated processing.

SOME COMMON QUESTIONS

IS NETSUPPORT THE DATA PROCESSOR OR THE DATA CONTROLLER?

For a customer using NetSupport ServiceDesk, NetSupport does not have access to any of your data. Once the product is installed, all the data is stored locally on your servers. Therefore, within the context of NetSupport ServiceDesk, NetSupport is neither the data controller nor the data processor.

IS THE SCHOOL THE DATA PROCESSOR OR THE DATA CONTROLLER WITHIN THE CONTEXT OF NETSUPPORT SYSTEMS?

For a customer using NetSupport ServiceDesk, NetSupport does not have access to any of your data. Once the product is installed, all the data is stored locally on your servers. Therefore, within

the context of NetSupport ServiceDesk, NetSupport is neither the data controller nor the data processor.

DOES NETSUPPORT SERVICEDESK PROCESS PERSONAL DATA?

NetSupport ServiceDesk can store any kind of information from text-based to images and attachments. If your organisation collects sensitive data as part of your NetSupport ServiceDesk function, then this could be stored in the NetSupport ServiceDesk product.

If you have any further questions regarding this document or any other queries regarding NetSupport ServiceDesk, please contact us:

General enquiries	Sales enquiries	Technical Support
+44(0)1778 382270	+44(0)1778 382270	+44(0)1778 382272
press@netsupportsoftware.com	sales@netsupportsoftware.com	support@netsupportsoftware.com