

NetSupport Manager and GDPR Compliance

Introduction

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, to work within the EU, as well as influence other legislation across the globe – affording individuals stronger, more consistent rights to access and control their personal information.

NetSupport Manager functionality

NetSupport Manager is a remote access, PC support and desktop management tool. The product enables remote access and support from a desktop, laptop, tablet or smartphone with the ability to monitor multiple systems in a single action, deliver hands-on remote support, collaborate and even record or play back sessions. When needed, gather real-time hardware and software inventory, monitor services and even view system config remotely to help resolve issues quickly.

NetSupport Manager also includes all the features and functionality of the NetSupport School product and, as such, any of the data protection considerations for NetSupport School will also apply to NetSupport Manager. A NetSupport Manager installation processes personal data and, as such, is impacted by the GDPR. This document will provide you with the relevant information you need relating to NetSupport Manager to ensure that personal data can be processed in accordance with the GDPR. 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.

How does NetSupport Manager process personal data?

NetSupport Manager is a remote access tool that also includes NetSupport School, which is a classroom management and collaboration tool. NetSupport Manager is an on-site solution and so your organisation is both Data Controller and Data Processor for any personal data which is processed. The product has a Client/Student module that is installed on computers. The Client/Student module interacts with and monitors the use of the computer. The Client/Student module then sends this data directly to the NetSupport Manager Control, Tutor or Tech console applications. This data is transmitted using NetSupport’s proprietary protocol which includes encrypting any data sent across the network. Any data is then processed and displayed at the Control, Tutor or Tech Console applications.

NetSupport Manager does not store any personal data in any database or data files automatically, but may include personal data within configuration settings and profiles; however, the Control, Tutor and Tech Console applications can be used to save some personal data, as described below or

within specific configuration settings. For more guidance on configuration options and the data required, please consult the set-up guide and the operational manual. Additional supporting information is also available within our support knowledge base.

Where is the personal data stored?

NetSupport Manager does not store any personal data automatically. Any data it does store is collected as part of the configuration of operator, user and device access. Any of the additional personal data processed by NetSupport Manager is only available during the current Control, Tutor or Tech Console session, unless the data is saved by a manual action initiated by the user of the Control Tutor or Tech console applications or within specific configuration settings. For more guidance on configuration options and the data required, please consult the set-up guide and the operational manual. Additional supporting information is also available within our support knowledge base.

The NetSupport Tutor application has a student register feature that allows the Tutor to initiate a collection of data from the student machines. If the user of the NetSupport School Tutor selects to save the student register, the personal data associated with the student register is saved to a comma separated values file in the location specified by the user. The NetSupport Tutor application has a feature to monitor and record the audio from any microphone attached to the student machine. In the Tutor Console, there is the ability to save this audio to an audio file – and the user is prompted for a location and name to store the file.

The NetSupport Tutor application has a feature allowing the Tutor to view any websites visited by the student machines. This can display the URL and title of the page being displayed. This data is not stored but is dynamically produced so it can be viewed during the current session on the Tutor Console.

The NetSupport Manager Control, Tutor and Tech Console have the ability to view the screen of computers. A screen capture image can also be saved to a file – this again is a manually initiated process and the user is prompted for a location to store the image.

What data is collected and stored?

The table below lists all of the personal information that is processed by NetSupport Manager.

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
Class	Identification	Public task / Legitimate interests*	Personal Data	Optional Data
Student/user/customer ID or No	Identification	Public task / Legitimate interests*	Personal Data	Optional Data
Screen Capture	Student Monitoring	Public task / Legitimate interests*	Sensitive Data	Optional Data
Accessed URL	Student Monitoring	Public task / Legitimate interests*	Personal Data	Optional Data

Name	Purpose	Legal Grounds	Sensitivity	Collection
Tile of accessed URL	Student Monitoring	Public task / Legitimate interests*	Personal Data	Optional Data
Audio Capture	Student Monitoring	Public task / Legitimate interests*	Sensitive Data	Optional Data
Keyboard Capture	Student Monitoring	Public task / Legitimate interests*	Sensitive Data	Optional Data

* The Lawful Basis for processing is decided by the Data Controller (the customer) and not by NetSupport. This table gives the suggested basis is for public authorities/companies and other organisations respectively. Please confirm with your Data Protection Officer/Data Protection lead as to the correct Lawful Basis.

NetSupport Manager 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 comply with these individual rights. In this section, we explain each right and how it affects NetSupport Manager.

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/>

The NetSupport Client module displays a student toolbar if the connection is made by the Tutor application. This toolbar clearly displays the restrictions and monitoring that is taking place on the PC. If the connection is made from the Control application, a dialog is displayed showing connection status and details. Both the dialog and toolbar can be configured.

However, we would also recommend that you have in place an Acceptable Use Policy and a Privacy Policy that clearly define what is being monitored on the computers.

The right of access

Under the 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/>

Outside of configuration settings (including user/operator/device settings), NetSupport Manager does not automatically store any personal data once the active monitoring session has ended. As such, the product does not have any facility to collate information on a specific individual. If you are saving data from NetSupport Manager to electronic files on a file system, then we recommend that you define a Data Retention Policy for this data and you have procedures in place to provide data to the data subject, if requested.

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/>

As NetSupport Manager does not store any personal data beyond the active session, there is no

facility to edit stored data. Any data saved manually is in standard electronic formats. Any personal data extracted as a result of the operational use of the product would be saved and managed by the customer and within the storage location chosen by the customer.

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/>

As NetSupport Manager does not store any personal data outside of configuration settings (including user/operator/device settings) or beyond the active session, there is no facility to delete stored data. Any personal data extracted as a result of the operational use of the product would be saved and managed by the customer and within the storage location chosen by the customer.

The right to restrict processing

Article 18 of the GDPR gives individuals the right to restrict the processing of their personal data; however, the right is not absolute and only applies in certain circumstances. 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/>

If you need to temporarily stop monitoring a specific machine, you can exclude a machine from a specific class defined in the Tutor Console or exclude the computer in the Control application.

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, and
- 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/>

As NetSupport Manager does not store any personal data outside of configuration settings (including user/operator/device settings) or beyond the active session, there is no facility to export any general personal data. Any personal data extracted as a result of the operational use of the product would be saved and managed by the customer and within the storage location chosen by the customer.

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 overrides 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/>

The NetSupport Manager tool is a remote access tool and, as such, you should always ensure that you have a legitimate reason for using this kind of tool.

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 Manager does not perform any automated decision making.

Some common questions

Is NetSupport the data processor or the data controller?

For a customer using NetSupport Manager, NetSupport does not have access to any data processed by the application. Once the product is installed, any of the data is stored locally on the systems it is installed on. Therefore, within the context of NetSupport Manager, NetSupport is neither the data controller nor the data processor.

Who is the data processor or the data controller within the context of NetSupport Manager installations?

For users of NetSupport Manager, the owner of the systems onto which the product is installed remains the data controller of their own data on the system.

Does NetSupport Manager process personal data?

Personal information associated with an individual could be processed by NetSupport Manager, therefore the rules of the GDPR apply to its use.

NetSupport Manager does not store any personal data in any database or data files automatically, but may include personal data within configuration settings and profiles. However, the Control, Tutor and Tech Console applications can be used to save some personal data, as described below or within specific configuration settings. For more guidance on configuration options and the data required, please consult the set-up guide and the operational manual. Additional supporting information is also available within our support knowledge base.

Does NetSupport Manager process sensitive data?

Screen capture data, audio capture data and keyboard monitoring data are all collected by NetSupport Manager. Due to the possible nature of this data, it could contain sensitive data and, as such, we recommend that this data be assumed as sensitive data.

Do I need to get consent from all users before I can monitor them in our organisation with NetSupport Manager?

This depends on the purpose for processing and you should seek guidance from your Data Protection Officer/Data Protection lead, as well as the respective Human Resources / Employment team. The tables in previous sections give indications of which Lawful Basis could be used within schools or organisations and in most cases, we would say that you do not need consent to monitor staff in the workplace or students in education.

You do, however, need to give a clear notification that there is a monitoring system in place. This notification should explain what NetSupport Manager will record, so staff or students understand what is monitored and why. Further guidance on monitoring is available from sources such as the UK's Information Commissioner's Office – <http://www.ico.org.uk>.

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

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