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## TCmanager® LMS is ready for the GDPR

Hardly any topic occupies companies of all sizes as intensely as the implementation of the European General Data Protection Regulation (GDPR) by the deadline on May 25, 2018. Data protection is not only a concern for marketing performance, big data, and sales. Especially for human resources and training departments, personal - and thus sensitive - data are essential components of daily work.

Software support is considered a matter of course today to reduce the complexity of tasks, accelerate processes, and support more solid decision-making. Tracking tools and pixels are just as critical to question as the storage and evaluation of both static and dynamic IP addresses. According to the GDPR, it is generally impermissible to store personal data. Exceptions exist when special reasons are present:

- Data that is necessary for the initiation of a contract, i.e., in the context of specific negotiations for submitting an offer, in the case of a project ten-

der, etc. This by no means includes data intended for cold calling.

- There is a contractual relationship, and certain data are necessary for contract fulfillment. This may include, for example, the contact details of the project partner on the service provider's side.
- There is a legitimate interest (e.g., based on legal regulations) in storing the data.
- There is an explicit, verifiable consent from the individual whose data is to be stored for specific, clearly communicated purposes. This purpose, such as sending an electronic

TCmanager® LMS was originally designed as seminar management for training centers. TCmanager now organizes professional qualification processes in academies, industry, and personnel development as a web-based LMS with versatile portals and eLearning platforms. SoftDeCC has been a prominent figure in the IT education management sector since 1998 and has received numerous awards.

*newsletter, must be clearly defined. An expansion or reinterpretation of this purpose is not allowed without explicit consent.*

Of course, Learning Management Systems must also provide functions that enable privacy-compliant work. Various groups of people are equally affected, including course participants, external and internal employees, training administrators, trainers, customers, as well as suppliers.

Key aspects of the GDPR that have implications for HR software include, for example:

- Article 5 GDPR - Data minimization
- Article 15 GDPR - Right to information
- Article 17 GDPR - Right to erasure
- Article 20 GDPR - Right to data portability

## Article 5 GDPR - Data Minimization

In the context of training operations, it is essential to handle the storage of personal data sparingly. According to Article 5, only personal data for which a purpose has been defined and whose processing is necessary may be stored.

This may imply that in the training context, many data points may no longer be stored (e.g., birthday, birthplace, birth name) because they are not typically required for conducting a training session. However, certain industries, institutions, or companies may have not only an interest but a legal obligation to store specific data. In the TCmanager® LMS, such data fields have not been completely removed but rather hidden and made inaccessible through special configurations.

The necessary fields are defined on a company-specific basis and can be used as needed. This not only applies to master data screens but also to search criteria and column headings. The software does not provide

any means to capture unwanted, i.e., unnecessary data.

On the database side, there are also options to ensure that certain data cannot be captured. This holds true even in the case of automated data imports.

## Article 15 GDPR - Right to Information

According to Article 15 GDPR, individuals have the right to request information about the personal data stored about them. This information must be provided promptly and in an understandable form.

To support this obligation to provide information, TCmanager® LMS generates a document with a single click, which outputs all the data stored about a specific person. TCmanager LMS provides this document as a .pdf file, optionally also as an XML file.

## Article 17 GDPR - Right to Erasure

According to Article 17 GDPR, an individual has the right to have their data erased unless there is a legal provision to the contrary. The issue becomes complicated when personal data is linked to other records. For example, a course participant may be linked to the record of a training session. Deletion of such data would render analyses and statistics for occupancy planning obsolete, which constitute a legitimate interest of the training institution.

In this scenario, TCmanager® provides the option to completely anonymize the personal data record. Specifically, the TCmanager® user is informed through a dialog about the referenced records. Ultimately, it is the user's responsibility to decide whether to delete the data entirely or to anonymize it while retaining the referenced records. This requires company-specific and process-oriented fundamental decisions to be made.

## Article 20 (1) GDPR - Right to Data Portability

This article grants individuals the right to receive their personal data concerning them in a structured, commonly used, and machine-readable format. However, the GDPR does not specify a standard format for this purpose. For the sake of universal usability, SoftDeCC has chosen the XML format.

Moreover, TCmanager® LMS has offered numerous and comprehensive features for supporting data deletion or anonymization routines for several years. This enables the professional handling of historical and accumulated data from everyday training operations.

From the perspective of TCmanager® LMS, the GDPR can be confidently addressed.

## INFO

### The Principle of Market Location

With the introduction of the General Data Protection Regulation, the unified European data protection law applies not only to businesses with an EU location but also to companies offering their goods and services within the EU. The crucial factor is no longer where a product is produced but rather whether a product or service is offered on the European internal market.

### More Transparency for Consumers

Every consumer should and has the right to know which companies have collected personal data about them. Companies must transparently disclose when and for what purpose personal customer data has been stored. Accountability must also be provided for the storage period. Additionally, companies have an obligation to inform if European customer data is collected or processed outside the EU. Every customer has the opportunity to request this data from a company.

### Right to be Forgotten

When using a large search engine to look for data about a specific person, it's often possible to quickly create a meaningful personality profile. The General Data Protection Regulation puts a stop to this development when needed: Internet users can have personal data removed.

According to the GDPR, there is a personal deletion claim, especially for very personal information about ethnic origin, sexual preferences, or political opinions of a user.

### Data Portability

Consumers can have more control over their own data through the General Data Protection Regulation. Following the motto „My data, my decision," they are allowed, for example, to take their data to another company. The new regulations not only make it easier to switch telephone or electricity providers but also facilitate any change of contract. Under the GDPR, the previous provider is obligated to provide all stored customer data in a standardized form if the application already has such functionality.

### A Point of Contact for All Data Protection Matters

In the past, if a foreign company violated data protection regulations, consumers had to directly contact the supervisory authority of the respective country. However, as an international complaint process comes with many obstacles, the GDPR introduces a simplified arrangement. Citizens of an EU country can now directly contact their domestic supervisory authority if there is suspicion of non-compliant use of personal data.

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