

HAW Hamburg data privacy policy for online meetings using Microsoft Teams

HAW Hamburg uses the online service Microsoft Teams, which makes it possible to hold (teaching) events, meetings and or webinars (hereafter referred to collectively as 'online meeting/s'). This privacy policy provides information about how we process your personal data in this context and what your rights as the data subject are.

1. Data controller contact details

The data controller ('responsible entity') pursuant to the General Data Protection Regulation (GDPR) and other national data protection laws of the EU Member States, as well as other data protection provisions, is:

Hochschule für Angewandte Wissenschaften Hamburg / Hamburg University of Applied Sciences (HAW Hamburg)

Berliner Tor 5

20099 Hamburg

Tel. +49.40.428 75- 0

datenschutz(@)haw-hamburg.de

HAW Hamburg is a public corporation. It is legally represented by Prof. Dr. Micha Teuscher, president of HAW Hamburg, Berliner Tor 5, 20099 Hamburg.

2. HAW Hamburg data protection officer contact details

Oliver Stutz

datenschutz nord GmbH

Konsul-Smidt-Str. 88

28217 Bremen

www.datenschutz-nord-gruppe.de

office(@)datenschutz-nord.de

Please note: This English translation of the original German document 'Datenschutzerklärung der HAW Hamburg für Online-Meetings via Microsoft Teams' is provided for informational purposes. The German version is authoritative. If in any doubt as to the precise meaning or interpretation of these regulations, please refer to the German version, asking a German native speaker to help you if required.

3. Personal data

Depending on how and to what extent Microsoft Teams is used, various types of personal data are collected and/or processed. In particular, these include the following:

- Personal information – e.g. first and last name, email address. This information is obtained via your HAW Hamburg employment contract or your enrolment in a HAW Hamburg degree course and transmitted to Microsoft Teams/Azure. The profile picture can be saved to the mail server via online login through a web browser and is then transmitted automatically to Microsoft Teams.
- Identification information (e.g. student number)
- Meeting metadata – e.g. date, time and duration of communication, meeting name, connection method, participant's IP address. These are collected during use of the service and saved in log files. Some metadata are saved as cookies to steer communication.
- Text, audio and video data – for example, chat histories, video and audio playbacks. Uploaded files are stored in private or group storage areas.

4. Scope of data processing

4.1. Participation in online meetings

In order to participate in an online meeting, you receive a meeting link from the host via email or your Teams account, or you are added to a Microsoft Teams team. When you enter the online meeting, your name is visible to all participants.

When you sign in via a web browser, you can enter a name for yourself before joining the meeting. If you sign in via the Microsoft Teams app, however, the first and last names stored in your account are displayed. This is because all Microsoft Teams accounts retrieve the first and last names and the email addresses of all users from HAW Hamburg's active directory (AD). This means that when you start the Microsoft Teams app you log in to the HAW Hamburg AD with your HAW Hamburg account (HAW Hamburg email address).

Additionally, Microsoft Teams collects user data necessary for the provision of the service. In particular, this data includes technical information about your devices, your network and your Internet connection – for example, IP address, MAC address, other device IDs, device type, operating system and version, client version, camera type, microphone or loudspeaker, and connection type. You can find additional information [here](#).

In addition, all users' IP addresses and other connection information, such as time, duration and quality, are saved on the Microsoft Teams server.

4.2. Audio, video, chats and virtual backgrounds

During an online meeting, your personal data can be processed in video, chat or audio formats. All participants also have the opportunity to decide for themselves which elements of this data are used in an online meeting. In more detail, this means the following:

In general, your microphone and camera are initially deactivated when you enter an online meeting. It may sometimes be the case that both are set to 'on' when you enter. This depends on whether an online meeting is started via a Microsoft Teams appointment or team, or as a private chat. Before entering an online meeting, you always have the opportunity to adjust your settings as you wish in the start-up window. The settings chosen can be adjusted at any time during the meeting. In order to participate actively in a meeting, it is worthwhile to at least activate the microphone or take part in the chat.

Participants can also select a virtual background. A virtual background allows you to control how your surroundings appear during an online meeting and to replace them with a virtual background of your choice. Once you have turned on your camera, all meeting participants see the virtual background you have selected. This allows you to protect your private sphere. You can change your virtual background by selecting the Microsoft Teams setting 'More actions' and then choosing 'Apply background effects'. More detailed information from Microsoft is available [here](#).

You continue to be free to share content via video, audio, chat or as a so-called reaction, and you are able to cancel the sharing of content at any time. If you use the chat function, we process the personal data contained in the chat texts. Please note that other participants also have access to this content whenever the group chat is used. When the private chat function is used, only the two participants have access to the content.

4.3. Recordings

Recordings of online meetings can be made by HAW Hamburg employees only. It is not possible for students or external participants to start a recording via Microsoft Teams. When a recording is made, participants' sound and image data can be processed. Chat contributions are not included in recordings made by HAW Hamburg.

Before a recording is started, the host will inform you explicitly to this effect. All participants will also receive a notification via Microsoft Teams as soon as recording begins. If recording of participants is planned, the host will obtain their permission in advance – for example, if questions

and comments are permitted as part of a presentation or a panel discussion is taking place. Additionally, HAW Hamburg can decide whether the recordings of other people will be made available online. However, this can only occur if you have given your consent. In individual cases where specific plans are in place to record participants' contributions, your written consent may also be requested.

The granting of consent to us is always voluntary. A refusal to grant this consent has no adverse effects for you. If you do not agree to a recording but still wish to participate in the meeting, please do not turn your camera or microphone on. In this case you can direct questions about granting consent to the host via email (or chat if you wish). You are considered to have implicitly granted consent if you have been informed about the recording and have, despite this information, participated verbally or by turning on your camera during the (teaching) event.

You have the right to revoke your consent at any time, with effect for the future. You can find more detailed information below under points no. 6.3 and no. 9 of this data privacy policy.

When a recording is concluded, it is processed by Microsoft Teams and placed as a link in the chat of the online meeting. The recording is also stored in the SharePoint for the specific Microsoft Teams channel. Please note that the recording can be accessed in the meeting chat by all HAW Hamburg participants. External participants cannot access the recording. The Microsoft Teams Cloud server is located in Europe.

Notice: The recording of students' chat, image and sound data in online teaching sessions is not permitted for legal reasons. The recording of online examinations is also legally prohibited. Furthermore, the automatic evaluation of this data is forbidden.

5. Purpose of data processing

Your personal data is processed for the following purposes:

5.1. University operations

We use Microsoft Teams to make digital teaching operations and location-independent meetings and events possible. We process your contact information to ensure that you are authorised to take part in the online meeting.

5.2. Meeting metadata

The temporary storage of your IP address is necessary for the provision of the online service. This is because communication with your computer must be made possible. This requires that your IP

address be saved for the duration of the session. Additionally, the logging of the data serves to detect and address disruptions and misuse.

The recording of data in so-called log files is carried out to ensure the functionality of the online service and the security of our IT systems.

To enable the use of Microsoft Teams, cookies are also used. This makes it possible to use the online service and its basic functions.

6. Legal basis for data processing

6.1. Meeting metadata (cookies, log files)

The legal basis for saving information on the user device using cookies and on the server using log files, as well as for accessing this data, is section 25, paragraph 2, no. 2 of the Act to Regulate Data Protection and Privacy in Telecommunications and Telemedia (TTDSG). In those cases where the storage of or access to the information is accompanied or followed by the processing of personal data, in particular metadata, the legal basis is article 6, paragraph 1, point (e) and paragraph 3 of the GDPR in conjunction with section 4 of the Hamburg Data Protection Act (HmDSG) in conjunction with sections 3, 4, and 111, paragraph 1 of the Hamburg Higher Education Act (HmbHG).

6.2. University members

The legal basis for the processing of students' personal data in the context of Microsoft Teams is article 6, paragraph 1, sentence 1, point (e) of the GDPR in conjunction with section 111, paragraphs 1-3 and paragraph 8 of HmbHG as well as the HAW Hamburg statute on the collection and processing of personal data (current version). Employees' personal data is processed pursuant to article 88 of the GDPR in conjunction with section 10, paragraphs 1 and 2 of the Hamburg Data Privacy Act (HmbDSG) and section 85, paragraph 1 of the Hamburg Civil Servant Act (HmbBG). Data processing as part of contractual relationships is based on article 6, paragraph 1, point (b) of the GDPR.

The voluntary use of Microsoft Teams takes place pursuant to article 6, paragraph 1, point (a) of the GDPR (consent).

6.3. Recordings

When an online meeting is recorded, the legal basis for the processing of your data is your consent pursuant to article 6, paragraph 1, sentence 1, point (a) of the GDPR. Your consent is voluntary and

you can revoke this consent at any time, with effect for the future. Please send your withdrawal of consent to [datenschutz\(@\)haw-hamburg.de](mailto:datenschutz(@)haw-hamburg.de). It is also possible to declare your withdrawal of consent to the host of the online meeting. Your refusal to grant consent will not result in any negative consequences for you. Please also see point no. 9 of this data privacy policy below.

7. Transmission of personal data to Microsoft

As a rule, we do not transfer your data to third parties. Transmission only occurs if the data is intended for this purpose, if you have expressly consented to such transmission in advance, or if we are obligated or entitled to do so by law.

When we process your data, we are supported by the Microsoft Corporation, which is the external service provider and so-called processor pursuant to article 28 of the GDPR. As the processor, the Microsoft Corporation processes your data strictly in accordance with instructions and on the basis of a separately concluded processing contract. The processing of data generally does not take place outside the European Union or the European economic area as we have limited the storage locations to data centres within the European Union. However, the possibility that the Microsoft Corporation may also process your data outside the European Union or the European economic area cannot be excluded. In this case data transmission takes place in accordance with appropriate guarantees pursuant to article 46 of the GDPR through the use of standard contractual clauses.

In addition, the external service provider Education Support Centre Deutschland GmbH, located in Germany, also provides support to HAW Hamburg in processing your data. As a so-called processor pursuant to article 28 of the GDPR, this partner provides (remote) maintenance support. It processes your data strictly in accordance with instructions and on the basis of a separately concluded processing contract. This data processing takes place in a European Union member state.

8. Deletion of personal data

All meeting metadata such as IP addresses, technical logs and diagnostic information that is older than 30 days will be automatically deleted.

When online meetings are recorded, these are saved to the meeting chat for 30 days and subsequently deleted. However, it is possible that a HAW Hamburg member may download the recording from the meeting chat and save it for longer, especially when these recordings are used

for the duration of the (teaching) event, including meeting follow-up and exam preparation and follow-up.

When a HAW Hamburg account is deleted, the corresponding Microsoft Teams account is deactivated and all personal data saved for this account is deleted 30 days after deactivation. Chat contributions are saved, even after the deletion of a user account, in accordance with the legal stipulations regarding storage duration.

Additional personal data are stored in accordance with the HAW Hamburg statute on the collection and processing of personal data, HAW Hamburg's file-management regulation and the Hamburg Archive Act (HmbArchG).

9. Data subjects' rights

You have the following rights:

- The right to obtain information concerning the personal data about you which is stored by us (article 15, GDPR)
- The right to request the rectification of incorrect or incomplete personal data (article 16, GDPR)
- The right to the erasure of personal data concerning you, unless the processing of such data is required for the exercise of the right to freedom of expression and information; for compliance with a legal obligation; for reasons of public interest; or for the establishment, exercise or defence of legal claims (article 17, GDPR)
- The right to restrict the processing of personal data (article 18, GDPR)
- The right to object to any processing that is in the public interest (article 6, paragraph 1, sentence 1, point (e), GDPR) or is used for profiling purposes, unless we are able to demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms or the processing serves the establishment, exercise or defence of legal claims (article 21, GDPR)
- The right to revoke your previously granted consent to the collection, processing and use of your personal data at any time with future effect (article 7, paragraph 3, GDPR). If you exercise this right, we may no longer carry out the data processing that we had been performing on the basis of such consent.

- The right to file a complaint with a supervisory authority if you believe that the processing of personal data concerning you violates the terms of the GDPR (article 77, GDPR)

10. Changes to data privacy (policy)

HAW Hamburg reserves the right to amend this data privacy policy in future.

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