

## **HAW Hamburg data privacy policy for online exams using Zoom**

HAW Hamburg uses the online service Zoom, via which it is possible to hold online exams. This privacy policy provides information about how we process your personal data specifically in the case of online examinations and what your rights as data subject are pursuant to articles 12 and 13 of the European Union's General Data Protection Regulation (GDPR).

For further information about data processing via Zoom in the case of (teaching) events, meetings or webinars, please see the data privacy policy for online meetings using Zoom.

### **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

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28217 Bremen

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*Please note: This English translation of the original German document 'Datenschutzerklärung der HAW Hamburg für Online-Prüfungen via Webkonferenzsystem Zoom' 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 Zoom 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, participant name, password, personal IDs, email address. The latter are generated with your HAW Hamburg employment contract or your enrolment in a degree course at HAW Hamburg and transmitted to Zoom the first time you log in.)
- Meeting metadata (e.g. date; time and duration of communication; meeting name; connection method, telephone number where applicable; participating IP addresses are collected during use of the service and saved in log files; some metadata are saved as cookies to steer communication)
- Identification information (e.g. student number, picture ID)
- Device/hardware data (e.g. MAC addresses, client version, type of hardware)
- Text, audio and video data and presentation material

### **4. Scope of data processing**

#### **4.1. Participation in online exams**

Students have the option to choose to take part in an online exam via Zoom. In this case you will receive a link to the exam room from the host via email. Before you can join an online exam, you are usually directed to a waiting room. This enables HAW Hamburg to manage participants' access. The host can subsequently allow you to enter the exam.

As soon as you have joined the online exam, the name you entered prior to the meeting or which is stored as part of your account is visible to all participants. When you sign in via a web browser you can enter a name directly before joining. If you sign in via the Zoom app, however, your profile name (e.g. your first and last names) is displayed in the online exam. This is because when you use the Zoom app you have already completed a single sign-on (SSO) via the HAW Hamburg access manager using your HAW Hamburg email address. When registration takes place using the email address, a corresponding account is created, for which you can select a profile name that is subsequently saved. Zoom allows you to change your profile name at any time.

If you dial into an online meeting by phone, we process your telephone number and the other meeting metadata, particularly your participant ID in specific cases. For example, if you also want

to join over a computer or your mobile device, your personal ID will be requested. You can find more detailed information about dialling into Zoom via phone [here](#).

Additionally, Zoom collects meeting metadata 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, connection type and quality, and error log files. You can find additional information from Zoom [here](#).

#### **4.2. Authentication of participating students**

If the exam invigilator does not know those taking the exam, the participants' identity will generally be authenticated before the online exam begins through the presentation of a valid identification document (e.g. photo ID), which must be provided upon request, or another equally suitable authentication process. Identification documents containing a photo (e.g. personal ID card or passport), so-called identification data, can be used for identification.

Authentication takes place separately from the other participants – e.g. in a separate break-out room or by temporarily placing the other participants in the waiting room. Sufficient time will be allocated for the authentication process prior to the exam.

The storage of identification data in any form, particularly as screenshots or recordings, is prohibited.

#### **4.3. Audio, video, chats and virtual backgrounds**

During an online exam, your personal data can be processed in video, chat or audio formats. Participants also have the opportunity to decide for themselves which elements of this data are used in an online exam. We explain the details below. In the case that video invigilation takes place there may be some variations, which you can find outlined below under point no. 4.4. of this data privacy policy.

In general, each individual's camera and microphone are initially deactivated in internal online exams with university members, as per HAW Hamburg's university-wide policy. External participants who take part using a web browser have the opportunity to deactivate their camera or microphone before entering the online meeting. This is also the case for university members who would like to participate via a web browser without registering in advance.

You also have the opportunity to adjust your settings according to your wishes in the settings menu. The settings chosen can be adjusted at any time during an online exam. In order to

participate in an online exam that requires you to contribute verbally, you will need to at least activate the microphone.

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 in the settings menu or via the Zoom settings 'Start video', 'End video' or 'Select a virtual background'. More detailed information from Zoom 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.

#### **4.4. Video invigilation**

During online exams that require supervision of the students (e.g. a written exam) or are carried out in the presence of the examiner (e.g. oral exams or presentations), students are obligated to activate their camera and their microphone for the duration of the online exam in order to prevent cheating. This is referred to as video invigilation.

Video invigilation shall be carried out in such a way that the individual's private sphere and data are not impacted more than is necessary for monitoring purposes. During the exam, the student's entire face must be visible through the camera. This is to ensure that cheating via communication with other individuals or via the use of unauthorised aids is not possible.

Students have the opportunity to select a virtual background photo or to blur their background. When you activate this function, you can prevent others from seeing your surroundings. You can change your virtual background in the settings menu or via the Zoom settings 'Start video', 'End video' or 'Select a virtual background'. More detailed information from Zoom is available [here](#).

Where cheating is suspected, the examiner or invigilator can require individual students to show the room they are in (360-degree scan with the camera) during the course of the exam. This is to ensure that no unauthorised aids are being used or other people are present in the room.

Additional surveillance of the room shall not take place.

Video invigilation can only be carried out by HAW Hamburg employees or members. Automatic evaluation of the video invigilation (e.g. using special proctoring software) is prohibited.

#### **4.5. Recordings**

The recording of an online exam or storage by another means is prohibited. The automatic evaluation of an online exam is also forbidden.

#### **4.6. Suspension of an exam in the event of a technical malfunction/disruption**

In the event of a lengthy disruption or repeated disruptions via Zoom, an online exam shall be suspended. This is particularly the case when the transmission or completion of the exam exercise/s, the transmission of the completed course or examination assessment, or the necessary exam invigilation is not technically possible. The examiner shall make the decision regarding the continuation or suspension of the exam. In the event of exam suspension, the exam shall be considered not to have been attempted if the student is not responsible for the disruption.

### **5. Purpose of data processing**

Your personal data is processed for the following purposes:

#### **5.1. University operations**

We use Zoom to make location-independent digital teaching operations and examinations possible. An online examination is not a particular type of examination; rather, it is a different means of delivering a written, oral or other type of exam.

Online exams can take place with video invigilation (see point no. 4.3). So-called 'take-home exams', in contrast, which are permitted under many of the course and examination regulations, do not require video invigilation.

**Notice:** Online exams must be distinguished from 'electronic exams'. An 'electronic exam' is a specific form of computer-supported exam. This type of exam is carried out on HAW Hamburg premises using a software system. The respective data privacy policies apply.

#### **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 Zoom, cookies may also be used. This makes it possible to use the online service and its basic functions.

This data is saved in the Zoom Cloud. HAW Hamburg has selected Germany as the server location.

## **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 Zoom is article 6, paragraph 1, sentence 1, point (e) of the GDPR in conjunction with section 111, paragraphs 1–3 and paragraph 8 of the HmbHG as well as the HAW Hamburg statute on the collection and processing of personal data (current version), in addition to section 60, paragraph 2a of the HmbHG in conjunction with the respective HAW Hamburg course and examination regulations (current version).

Furthermore, participation in online exams is voluntary pursuant to section 111, paragraph 3 of the HmbHG. In general, voluntary participation is ensured through the offering of an on-campus examination at HAW Hamburg in accordance with the principles of equal opportunity during the same examination period. This does not apply to those exams that do not require video invigilation, such as essays or take-home exams. The on-campus exam at HAW Hamburg shall be offered in accordance with the protective and hygiene measures in effect at HAW Hamburg, or in other suitable rooms.

Employees' personal data is processed in part pursuant to article 88 of the GDPR in conjunction with section 10, paragraphs 1 and 2 of the Hamburg Data Privacy Act (HmbDSG); section 85, paragraph 1 of the Hamburg Civil Servant Act (HmbBG); and section 35 of the Act on the Legal Status of Civil Servants in the Federal States (BeamStG). The voluntary use of Microsoft Teams takes place pursuant to article 6, paragraph 1, point (a) of the GDPR (consent).

Data processing as part of contractual relationships is based on article 6, paragraph 1, point (b) of the GDPR.

## **7. Transmission of personal data to Zoom Video Communications, Inc.**

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 processing your data via Zoom, HAW Hamburg is supported by the external service provider Deutsche Telekom Business Solutions GmbH ('Telekom'), which is based in Germany. As a so-called processor pursuant to article 28 of the GDPR, Telekom currently provides HAW Hamburg with the Zoom software and provides support with maintenance, among other things. Telekom processes your data strictly in accordance with instructions and on the basis of a separately concluded processing contract. The processing of data via Zoom takes place primarily within the European Union (data routing), but can also take place partially outside the European Union or the European economic area – in the USA in particular. For this purpose, Telekom has concluded so-called EU standard contractual clauses in accordance with article 46, paragraph 2, point (c) of the GDPR with its subcontractor, Zoom Video Communications Inc., based in the USA, to ensure an appropriate degree of data protection.

## **8. Deletion of personal data**

All meeting metadata such as IP addresses, technical protocols and diagnostic information that is older than one year will be deleted.

After an online exam has ended, participants no longer have access to the content shared.

If a HAW Hamburg account is deleted, the corresponding Zoom account is deactivated and all personal data saved for this account is deleted 30 days after deactivation.

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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