Data protection information for remotely supervised examinations using the Proctorio® software at the European University Viadrina Frankfurt (Oder)

Please note: This English language version for the data protection information is provided only as a service to our students and staff. Only the German version of this document is legally binding.

Preamble

Even under the conditions of the corona pandemic, the European University Viadrina Frankfurt (Oder) ("the Viadrina") is committed to ensuring that your studies are impaired as little as possible by the Corona pandemic, and is required to do so. This includes examinations and course tests which are set on the basis of the applicable study and examination regulations and study programmes (Studienverlaufspläne). § 5 (2) ASPO (the General Regulations for Bachelor and Consecutive Master Degrees) also applies. It should also be possible to take examinations within a short time after completion of the course.

However, the examinations on campus are currently only possible to a limited extent. In order to be able to offer electronic alternatives to examinations on the premises of the University, the Framework Regulations for Conducting Online Examinations of the European University Viadrina of 27.01.2021 (Rahmenordnung zur Durchführung von Online-Prüfungen der Europa-Universität Viadrina, RahmenO for short) stipulate requirements and set the framework. At the Viadrina, the software Proctorio® can be utilized for the supervision of examinations taken online. The software has to be applied strictly in accordance with the guidelines of the framework regulations for online examinations; in particular, the identification of cheating attempts is not automated and data protection principles are fully observed.

The Viadrina is aware that the use of Proctorio® affects the fundamental rights of students. For this reason, students always have the choice of taking an alternative examination on the premises of the university in the same time period. Students are also fully informed of their rights at an early stage and at the same time are given information on how to protect their privacy.

In the following, we inform you about the processing of personal data associated with the use of Proctorio®.

I. Legal basis for the processing of data

The legal basis for the processing of data associated with the use of Proctorio® is Article 6 (1). (a) General Data Protection Regulation ("GDPR") as well as the Framework Regulations for the Testing of Online Examinations of 27.01.2021 ("RahmenO"). subject to the consent given by the student when registering for the examination.

II. Voluntary use

For the student’s consent to have legal effect, it has to be voluntary; this means s/he must have a genuine choice. (§ 2 RahmenO). In order to give students a real choice, circumstances that are indirectly disadvantageous must also be excluded as far as possible. Therefore, students are offered the choice of whether or not they want to take part in the remotely supervised examination; students can also take part in the examination on the premises of the university in the same time period.
Participation in the remotely supervised examination without the use of Proctorio® is not possible; in this respect, the consent is unconditional.

You are required to make a declaration as to the place of the examination (online or on campus) when you submit your binding registration

III. Mode of operation (brief description)

Proctorio® is based on the processing of video and audio signals of the persons recorded with the help of a camera and microphone for the period of use (i.e. the examination). Furthermore, the browser, internet traffic and the end device/desktop can all be monitored during this time; functionalities of the end device can also be blocked. To take part in a Proctorio®-supervised examination, students must use the browser Chrome® and install the Proctorio® extension.

Which functions are used in an examination is determined in advance by the examiners and the students will be informed in good time about the specific configuration in advance.

Based on the data collected in each case and during the time of data storage, Proctorio® provides the supervisors with information which might suggest irregularities in the behaviour of the student. Based on this information, the examination supervisors evaluate the data in detail; Proctorio® neither provides a stand-alone and/or final evaluation of behaviour nor does it do profiling.

Details of how the product works can be found on the manufacturer's website at https://pruefungendaheim.de/.¹

IV. Requirements for use

Apart from the voluntary nature of the use of Proctorio®, your device must also meet certain technical requirements, necessary for the Proctorio® extension to be installed. These include a sufficiently stable and powerful internet connection, a webcam and microphone, the use of the Chrome® browser, and the availability of sufficient memory.

The Viadrina offers a demo examination with the same configurations as will be used in the examination before the registration deadline for an exam. In order to avoid technical problems and to familiarise themselves with the user interface and functionality of Proctorio®, students are strongly advised, in their own interest, to participate in a demo examination.

In addition, the software developer's website specifies the technical requirements under https://proctorio.com/support#minReqs.

V. Scope and nature of the processed data or categories of data

During the test and depending on the selected configuration, the following product-specific tools are used by Proctorio®:

- Capture of the upper body incl. face by camera/webcam (video)
- Capture of sound signals by microphone (audio)

¹ The information is provided in English language at https://proctorio.com/frequently-asked-questions; these, however, are not specific to the application of the software in Germany.
- Forced full-screen mode incl. blocking of controls (such as shortcuts or the right mouse button).
- Screen recording
- Registration of locality
- Recording of internet use
- Indications for potential hardware problems, operating system problems or internet connection problems.

In addition, please refer to the information at https://pruefungendaheim.de/.²

Apart from the desk and the student her- or himself, the room in which the examination is taken is not monitored.

Students taking the examination are classified as “data subjects” for the purposes of GDPR.

The following data will be collected or processed throughout the examination:

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Categories of personal data</th>
<th>Applications/Product</th>
<th>Storage period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transmission and processing of the tasks and answers of the exam</td>
<td>Objective examination details and individual (partial) examination performance / individual examination performance (solution)</td>
<td>The relevant Learning Management System (LMS)</td>
<td>See Data Protection declaration of the LMS</td>
</tr>
<tr>
<td>(Remote) Supervision</td>
<td>Video (upper body incl. face) and audio signal (voice) of the examinees, internet pages accessed</td>
<td>Proctorio®</td>
<td>30 days See VIII.</td>
</tr>
<tr>
<td>Scan of the desk</td>
<td>Video recordings of the desk or workplace surfaces</td>
<td>Proctorio®</td>
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<tr>
<td>Demo exam</td>
<td>As with (remote) supervision</td>
<td>Proctorio®</td>
<td>30 days See VIII:</td>
</tr>
<tr>
<td>Authentication</td>
<td>Student card, i.e. name, matriculation number and photograph</td>
<td>Proctorio®</td>
<td>30 days See VIII:</td>
</tr>
<tr>
<td>Support</td>
<td>Communication data (including voice, chat messages)</td>
<td>Proctorio®</td>
<td>See Proctorio Data Protection Declaration</td>
</tr>
<tr>
<td>Securing the data traffic</td>
<td>Technical and traffic data, e.g. the IP address</td>
<td>Proctorio®</td>
<td>30 days See VII.</td>
</tr>
</tbody>
</table>


VI. Authentication, identification

Student authentication and login are exclusively via the LMS or the examination platform. The login data are not passed on to Proctorio®.

Students are identified solely by using their student ID card.

VII. Pseudonymisation, data security, data transfer

² English language version, not specific to the application under German regulation: https://proctorio.com/support
Proctorio® pseudonymises students’ personal data using a user ID number from Moodle. This ID is an internal Moodle system ID and is not accessible to students, course administrators, or examination supervisors. All subsequent data processing at Proctorio® exclusively includes this user ID and can therefore not assigned to a person or identity by Proctorio®. Furthermore, the collected data is stored in encrypted form at Proctorio®. The IDs used by Proctorio® are linked to the participant identities in the Moodle exam room when retrieving the Proctorio® recordings. In this way, supervisors (with the designated role “lecturer”) in the course can review the Proctorio® recordings. Proctorio® is prohibited from decrypting and viewing the encrypted data.

The data processed by Proctorio® is stored on cloud servers in Frankfurt/Main; the location of the Moodle examination data is the IKMZ (IT department) of the Viadrina.

VIII. Storage period / deletion

According to the principle of data minimisation, personal data processed in the course of an online examination may not be stored for longer than absolutely necessary for the proper execution of the exam, including its assessment. The supervisors therefore delete the Proctorio® recordings immediately after completion of the assessment. If the data is not manually deleted after the assessment, Proctorio® deletes the recording automatically after 30 days.

IX. Access to the data

If you wish to inspect the personal data collected in the course of the examination, please contact first the professorial department responsible for the examination; alternatively, contact the Data Protection Officer (datenschutz@europa-uni.de). Please note, however, that once the examination data has been deleted manually or automatically, i.e. 30 days after the examination date at the latest, the recorded data will no longer be available; only protocols that may have been prepared will then be accessible in pdf format.

X. Data subject rights

You have the following rights with regard to personal data concerning you:

1. Right to revoke consent, effective for the future (Art. 7 (3) GDPR)
2. Right to confirmation as to whether data concerning you is being processed and the right to information about the data processed, further information about the data processing and copies of the data (Art. 15 GDPR)
3. Right to rectification or completion of inaccurate or incomplete data (Art. 16 GDPR)
4. Right to immediate deletion of the data concerning you (Art. 17 GDPR)
5. Right to restriction of processing (Art. 18 GDPR)
6. Right to receive the data in a structured, common and machine-readable format, provided that the processing is based on consent pursuant to Art. 6 para. 1 UA 1 lit. a or Art. 9 para. 2 lit. a) or on a contract pursuant to Art. 6 para. 1 (b) and no exception applies (Art. 20 GDPR)
7. You also have the right to complain to a supervisory authority about the processing of personal data concerning you (Art. 77 GDPR). The supervisory authority within the meaning of Art. 51 (1) GDPR regarding the data controllers here is, pursuant to Section 18 (1) of the Brandenburg State Data Protection Law (LDSG): the
XI. Name of the responsible person (Controller)

European University Viadrina Frankfurt (Oder), represented by its President, Prof. Dr. Julia von Blumenthal, Große Scharmstraße 59, 15230 Frankfurt (Oder)

XII. Data Protection Officer

The data protection officer of the aforementioned data controller is

Mr Nico Lamprecht
European University Viadrina Frankfurt (Oder)
Große Scharmstraße 59
15230 Frankfurt (Oder)
datenschutz@europa-uni.de

XIII. Processors

Processor within the meaning of Art. 28 GDPR of the data processed through the use of Proctorio is the

Proctorio GmbH, represented by its managing director
Bahnhofstraße 18
85774 Unterföhring

Note: This does not apply if you access the Proctorio® website or websites created and/or administered by Proctorio®; in this case, Proctorio® is the controller within the meaning of the GDPR.

XIV Amendment of this Privacy Notice

We may revise this data protection notice in the event of changes to the way data is processed or where otherwise necessitated. You will always find the current version on this website.

Current version: April 2021