

# Privacy statement TU/e 'Exams with online monitoring'

Date: September 30, 2021

Eindhoven University of Technology (hereinafter TU/e) considers privacy important and therefore handles your personal data with care. In this Privacy Statement we describe what happens to your personal data and how your privacy is safeguarded when you take a TU/e exam with online proctoring.

## **1. Who is responsible for processing my personal data?**

**TU/e** is responsible for the data processing described in this privacy statement. TU/e has a statutory duty to ensure that your personal data is processed in accordance with applicable privacy legislation, including the General Data Protection Regulation (GDPR).

## **2. Which (categories of) personal data are processed?**

If you take a remote exam where the TU/e monitors online, the TU/e will process the following personal data:

- a. name (first, initials and last name);
- b. email address;
- c. Image of TU/e student card (or other form of identification for admissions tests);
- d. picture of you, taken through the webcam of your computer/laptop;
- e. video and audio recordings of you and the room you are in while making the exam, made via the webcam of your computer/laptop;
- f. on-screen activities while making the exam;
- g. keystrokes and mouse movements while making the exam;
- h. head and eye movements;
- i. the IP address of the computer network to which your computer/laptop is connected;
- j. the web pages you visit during the exam ;
- k. your answers to the exam questions.

## **3. For what purpose will my personal data be processed and on what legal basis?**

Personal data will only be used for the following purposes:

- a. authentication. To verify your identity.
- b. fraud control. To verify that you have complied with the applicable rules and have not used any unauthorized sources such as cheat sheets, chats and the Internet;
- c. time frame control. To verify whether you have completed the exam within the applicable time frame;

We process your personal data on the basis of 'a task carried out in the public interest or in the exercise of official authority vested in the controller' (article 6.1 (e) GDPR). . This means that the processing is necessary for the purposes of carrying out a task in the public interest, i.e. providing education.

In cases where the TU/e chooses to use online monitoring for remote exams, it is necessary that the TU/e:

- checks who's the person making the exam;
- can establish that no fraud was committed while the exam was being carried out;
- can establish that the exam was made within the given time frame.

When taking an exam at the TU/e campus, these aspects are safeguarded by means of physical surveillance. When an exam cannot take place on campus due to legitimate reasons, online proctoring can be used as means of surveillance.

Students who have insurmountable objections to taking an online proctored exam may apply to the examination committee for an alternative exam method. It will be assessed on a case-by-case basis whether this objection can and must be met. Objection can be made in the manner stated in question 9. Subject to the safeguards set out in this document, the rights and freedoms of students are adequately safeguarded.

#### **4. Who has access to my personal data?**

The personal data collected when making a remote exam with online monitoring will be evaluated with use of artificial intelligence. Only when irregularities have been detected, the recorded materials will be reviewed by TU/e. The recordings will only be viewed by employees of TU/e who are responsible for the review. In case fraud is suspected, other employees will also have access to your personal data (e.g., members of Examination Committees, Board of Appeal for Examinations).

#### **5. Will my personal data be shared with third parties?**

TU/e has purchased the online processing service from the company Proctorio. Proctorio works under instructions from TU/e, which are laid down in a data processing agreement with Proctorio, to ensure that your personal data is processed carefully, securely and in accordance with GDPR. This agreement also stipulates that Proctorio and its subcontractors (sub-processors) may never process personal data for their own purposes. Your personal data will not be shared with other parties besides Proctorio and its sub-processors, unless the TU/e is obliged to do so by law or a court order.

#### **6. Will my personal data be transferred to countries outside the European Economic Area (EEA)?**

Your personal data will not be transferred outside of the EEA with exception of the following:

- your IP-address, country, city and ISP for fraud detection purposes;
- your IP-address, system configuration information and other information about traffic to and from Proctorio application and/or networks for protection and security reasons, but only in the case of a cyber security risk/attack;
- your name, email, login ID and IP address are shared with the Proctorio helpdesk if you contact the Proctorio helpdesk yourself. We advise you to always first contact the IMS helpdesk at TU/e in case of any problems with the use of Proctorio/during an exam at 040 - 247 2000.

TU/e safeguards all data processing is in compliance with GDPR and has entered into a data processing agreement with Proctorio for this purpose.

#### **7. How long will my personal data be stored?**

With regard to the personal data which we collect and process for the purposes of authentication, fraud control and time frame control, the following retention procedure applies:

- If no identity fraud or exam fraud is suspected, the personal data which has been collected

via Proctorio (see under 2) will be deleted latest 30 calendar days after administering the test in the Proctorio system.

- If there is suspicion of identity fraud or exam fraud, the personal data which has been collected via Proctorio (see under 2) will be retained for the period necessary to reach a decision on the legitimacy of the result of an examination (including the period in which legal proceedings take place).

Your answers to the exam questions will be stored according to the retention periods which are determined by the law or departmental assessment policy.

#### **8. How will my personal data be secured?**

The TU/e takes appropriate technical and organizational measures to protect your personal data against unauthorized access, loss and any form of unlawful processing. This means – for instance - access only is permitted to people that are mentioned under 4.

The personal data collected within the framework of online monitoring (see question 2) by Proctorio is stored on a secure server located in the European Economic Area (EEA). Your data is encrypted both in transit and at rest. Nothing leaves your computer until after it is encrypted and is never unencrypted until it is unlocked by an authorized university official.

#### **9. Who can I contact if I have questions about the processing of my personal data?**

If you have any questions about the way in which your personal data are processed, you can contact [examsonline@tue.nl](mailto:examsonline@tue.nl).

#### **10. How can I exercise my privacy rights?**

On the basis of the GDPR, you have the right - subject to certain conditions - to access the personal data that is processed, to correct your personal data if it contains factual inaccuracies, to have your personal data deleted, to limit the processing of your personal data and to object to the processing of your personal data. If you wish to exercise any of these privacy rights, you can contact [privacy@tue.nl](mailto:privacy@tue.nl).

To be able to deal with your request, you will be asked to provide proof of identity. In this way, we can verify your identity and ensure the information is sent to the right person.