

Privacy Statement for Online Proctoring - Proctorio

VERSION: 05-06-2020



CREATING TOMORROW

The Amsterdam University of Applied Sciences (AUAS) respects your privacy and handles your personal data with care. AUAS acts for this purpose in accordance with the General Data Protection Regulation (GDPR). AUAS has drawn up a general [Privacy Statement](#) describing how your personal data are handled.

This statement concerns the application of Online Proctoring. Online Proctoring is the remote monitoring of digital summative tests that students take on their own laptops. The student's keystrokes are monitored by video, among other means. In this Privacy Statement, AUAS informs you how your personal data are handled and of your rights.

Controller's contact details

The Amsterdam University of Applied Sciences Foundation is the controller for processing the personal data and special personal data of the students¹ registered at the Amsterdam University of Applied Sciences. The contact details are:

Amsterdam University of Applied Sciences Foundation
Wibautstraat 3b
1091 GB Amsterdam
(P.O. Box 1025, 1000 BA Amsterdam)

Data protection officer

AUAS has appointed a data protection officer who ensures that personal data are processed in accordance with the applicable rules. The Dutch Data Protection Authority has been informed of the data protection officer.

The data protection officer can be reached at functioarisgegevensbescherming@hva.nl.

Types of personal data

Amsterdam University of Applied Sciences processes these personal data and special personal data through Online Proctoring:

- Student's name and email address.
- Student's identifying information, such as a student card. This differs from the regular test protocol.
- Student's video image, obtained by webcam.
- Screenshots of the student's laptop or PC.
- Screen activities during the examination or online proctoring.
- The institution and study programme/faculty for which the student is taking the examination.
- The IP address of the student's laptop and phone².
- The answers to test questions that the student types.
- Web pages that the student visits during the test.

Purposes of processing

Because of the measures adopted in relation to the coronavirus, it probably will not be possible to conduct all written and digital examinations, including modular examinations, in accordance with the established testing programme before the end of the 2020-21 academic year.

The aim is for students to be able to take examinations, consisting of summative tests that would be taken in a room under controlled conditions, insofar as these examinations are suitable in terms of their size, type and planned date. This prevents students from being unable to take these examinations because of closed buildings and thus minimises undesirable delays or other prejudice. Personal data processed through Online Proctoring are processed for the purpose of taking modular and other examinations, including:

- Establishing the identity of students participating in those remote examinations.
- Ensuring the student is who they say they are. A student card is recorded on video for this purpose.
- Ensuring the student does not use any unauthorised external sources when taking an examination.

¹ This includes course participants

² If the phone is used in online proctoring as an additional means of checking (high-stake).

- Ensuring the student does not cooperate with others without permission, and does not switch between the examination and other sources of information on their computer during the examination.
- Ensuring the student does not perform any activities other than answering the test questions.
- Ensuring the student uses the test application only as intended for summative controlled testing.
- Guaranteeing good quality when taking examinations and excluding possible risks, including cheating during examinations.
- Registering for a study programme or course.

For online proctoring, data are captured to enable testing/assessment/examination through remote surveillance of summative tests.

Personal data are used only for the purposes mentioned above. If AUAS wishes to process personal data for other purposes and there is no other basis for the processing, your consent will be requested. You will be informed about the specific purpose and the retention period. You can always withdraw your consent.

Principles for processing

To be able to process your personal data, the processing must be based on one of the principles of the GDPR. For Online Proctoring by AUAS, this is based on:

- a legal obligation, and
- a legitimate interest

Legal obligations

On the basis of the Dutch Higher Education and Scientific Research Act (*Wet op het Hoger Onderwijs en Wetenschappelijk Onderzoek*, WHW), each examination examines the knowledge, insight and skills of the examinee, and assesses the results of that examination.

It is the statutory task of the examining board to guarantee the quality of the organisation and procedures surrounding interim and final examinations (Section 7.12b WHW). Online Proctoring gives effect to this statutory task because examinations can be organised in a way that confirms students are taking them appropriately.

Under the WHW, the examining board is tasked by law with issuing degree and other certificates (Section 7.11 WHW). Among other things, the examining board does this by determining the components of the examination. To perform this statutory task, the examining board must be able to ascertain that students have rightfully obtained their credits.

The use of Online Proctoring enables the examining board to use its statutory power to impose a sanction for fraud in well-founded cases. However, AUAS notes that such a sanction will not be imposed until the examining board has consulted the video produced with Online Proctoring. Fraud is never determined automatically. An examining board will always have to decide after consulting the video. Comparative material from regular situations can also be viewed for this purpose.

Legitimate interest

AUAS views this as a legitimate interest, as indicated below. We therefore do not ask for your consent.

It is in the interest of AUAS to be able to conduct examinations using Online Proctoring. Based on this interest, AUAS will process your personal data, unless your privacy interests take precedence.

Given the measures adopted in relation to the coronavirus, including the measure adopted on 12 March 2020 that higher education institutions should offer distance education, AUAS has a legitimate interest in invigilating summative tests, which must be taken individually under controlled circumstances, using Online Proctoring for the purposes described above.

AUAS processes personal data only for the purposes for which they were obtained.

Recipients of personal data

During Online Proctoring, AUAS uses this processor:

- Proctorio

A processing agreement has been concluded with this processor, which contains arrangements to guarantee your privacy rights.

The processor uses these sub-processors:

- Microsoft
- Cloudflare
- Google Cloud
- Maxmind
- Olark
- Zendesk

The processor has guaranteed that the same arrangements as set out in the processing agreement apply to the sub-processors.

AUAS will try to process your data within the European Union ('EU') only, by storing as much of your data as possible on a server in the EU. The GDPR applies throughout the EU and therefore the same level of protection of your personal data applies in all EU countries.

Insofar as your data is processed outside the EU, we endeavour to store the data in a country in respect of which the European Commission has taken an adequacy decision and/or we adopt the necessary measures to provide an adequate level of protection for your personal data.

Your data will always be processed in these countries:

- Germany
- United States of America

How do we secure your personal data?

The AUAS has adopted appropriate technical and organisational measures to prevent the loss of personal data or unlawful processing. Your personal data can be viewed only by employees authorised to do so based on their position.

For example:

- Only the examiner, any appointed invigilator, the examining board or persons at the University of Applied Sciences tasked with managing, improving, terminating or monitoring the facility watch the video afterwards.
- In addition, AUAS has made arrangements with the engaged processor about which measures are adopted to protect your personal data during Online Proctoring.

Retention periods

Careful handling of personal data also means that AUAS does not retain your data longer than necessary. AUAS complies with the legal obligations and, insofar as a matter is not regulated by law, the 'Selection List of Universities of Applied Sciences' of the Association of Universities of Applied Sciences.

AUAS does not retain recordings for longer than necessary. The recordings are deleted as soon as reasonably possible. For irregular situations it is important for the student and AUAS that the videos are available, including for the examining board. After the legal options have been exhausted, videos with irregular situations are removed. Videos that do not contain irregular situations are removed as soon as possible.

Online proctoring

These videos are subject to additional retention periods:

Videos with irregular situations during the test: the video will be retained until the examining board has decided about the irregularity. If it decides not to take action, the video will be destroyed. If it takes measures, the video will remain available for use in an appeal/objection and will be destroyed after the final appeal/objection.

Videos without irregular situations during the test: if no irregularities have occurred, the video is saved until the grade is registered in the Student Information System (SIS). This will usually be 15 working days after the examination. For the ID card shown in the video, the retention period is the same as that of the irregular videos. If no irregularities are found, this period is until the grade is registered in SIS.

Your rights during the processing of personal data

As the owner of your personal data (data subject), you have these rights under the GDPR:

- The right of access:
 - If you would like more information, you can submit a request to juridischezaken@hva.nl.
- The right to correct inaccurate data (rectification).
- The right to be forgotten (erasure of personal data):
 - You can submit a request to juridischezaken@hva.nl to have the videos produced with Online Proctoring removed from AUAS's systems. A request cannot be granted if AUAS has a retention obligation.
- Objection to processing
 - Because AUAS processes your personal data processed with Online Proctoring based on a legitimate interest, you may object to this processing. You can submit your objection to juridischezaken@hva.nl if you believe that the processing of your personal data is unjustified.
- The right to restrict processing:
 - If you have submitted a request for rectification or erasure, or submitted an objection, you may request AUAS to temporarily halt processing.
- The right to data portability:
 - You can submit a request to juridischezaken@hva.nl to obtain your personal data in a 'machine-readable format', or to have AUAS transfer them to another institution. This is possible only if the processing occurs on the basis of consent or on the basis of an agreement.

Complaints

If you feel that AUAS is not complying properly with the privacy rules and/or its privacy policy, you can submit a complaint to the data protection officer. You can also do this if you are dissatisfied with how a request or objection has been handled. You can submit a complaint by e-mail to:

functarisgegevensbescherming@hva.nl.

You can also submit a complaint to the Dutch Data Protection Authority through its [website](#) .