



## Data Protection Information for Online Exams

The measures enacted by the Federal Government to avoid the spread of COVID-19 and the decision by TU Wien based thereon to switch to remote teaching for the summer 2021 term, as well as to reduce face-to-face teaching to the absolutely necessary minimum, require numerous changes to the organisation of examination practices. In order to ensure uniform and data protection law compliant procedures when holding online exams and to guarantee the maintenance of order during the exams, throughout TU Wien valid standards are to be set for online exams in order to also guarantee quality control in exam operations.

### Controller:

Rectorate of TU Wien  
Karlsplatz 13  
1040 Vienna

### Data protection officer:

Mag. Christina Thirsfeld  
TU Wien  
Karlsplatz 13/018  
1040 Vienna  
[datenschutz@tuwien.ac.at](mailto:datenschutz@tuwien.ac.at)

### Purpose of data protection:

The data listed above is collected for the purpose of conducting and ensuring the integrity of the online exam, in particular in order to ensure that the exam is exclusively processed by you and that there is no verbal exchange with third parties and no access to forbidden resources (internet, the student's own computer). The integrity of exams is a basis for the high quality of the academic degrees that TU Wien grants. They certify that the graduates of TU Wien have been prepared as well as possible for the exigencies of their professional careers.

### Which personal data do we process?

To ensure independent performance of exam achievement and to recognise any cheating, the following personal data are processed: the exam performance; information on the user; meeting-metadata; an MP4 file of all video, audio and presentation recordings, an M4A file of all audio recordings, a text file of the online meeting chat.

The audio and video data required with online exams to supervise the students by means of a video conference tool to prevent and detect attempts at cheating is recorded and stored.

This data may be inspected during the exam and after the end of the exam by those in charge of the exam and by a small selected circle of exam supervision persons and by the academic dean in charge. The right to access lies exclusively with course management.

**Please note:**

The scope of data processing and the loss of privacy entailed by supervision of the video conference tool should be reduced in your own interests as much as possible by the use of appropriate measures. This includes, for instance, the choice of an appropriately set-aside space, the removal of pictures and personal objects in the background of the camera shot as well as, eventually, the information of other persons present in the home who are preferably not to be captured by the camera.

**Legal basis of data processing:**

TU Wien processes your personal data on the basis of Article 6 par 1 (e) GDPR in conjunction with the "Guidelines of the Vice-Rector for Studies and Teaching regarding the organisational implementation of online exams in connection with the COVID-19 pandemic" for performance of the statutorily delegated tasks of a university, in particular

- Determination and assessment of academic performance according to § 72 UG
- Ensuring proper conduct of the exam according to § 79 (4) UG
- Ensuring the purpose of an exam in accordance with § 20 of the curricular law regulations of the Charter of TU Wien.

Under § 73 UG a result mark is to be declared void if the mark was obtained by cheating on an exam, in particular by the use of forbidden aids.

An additional legal basis for the processing in question is Article 9 par 2 (j) GDPR in conjunction with Article 89 par 1 GDPR and § 2f (5) of the Research Organisation Act (FOG)

According to the latter, the processing of data is legal if and to the extent that it is required for organising and conducting online exams under the conditions of the corona pandemic.

**Categories of recipients of personal data:**

The data is not forwarded on. Personal data processed in connection with online exams is basically not forwarded to third parties. The providers of the video conference tools are possibly in receipt of the data cited above where this is provided for in connection with the particular contract processing contracts.

Access authorisation for recording lies exclusively with course management. Besides course management, the competent dean of students, exam supervision as well as employees of the competent dean's office or institute explicitly authorised by course management are entitled to inspect the recording.

The student data subjects are entitled to inspect it provided the data protection right of third parties is not impaired thereby.

**Storage duration**

The data is stored during the four-week marking period in accordance with § 74 (4) UG and then erased. In case of an application to rescind a negatively graded exam (§ 79 (1) UG) the data is stored up through the end of the relevant procedure and then erased.



## *Data processing outside of the European Union*

*The operators of the video conference service zoom used at TU Wien are headquartered in the United States. Nonetheless, hosting of the audio and video data occurs in Germany since TU Wien avails itself of the so-called "Germany Cloud."*

*TU Wien has signed a contract processing contract with the operators of the video conference service which meet the requirements of Article 28 GDPR.*

## **Your rights in connection with personal data:**

The data is required for conducting the online exam and online supervision.

According to Article 21 GDPR, you may lodge an objection against the processing of your data for reasons emerging from your particular situation. An objection will only result in a stop to the processing of your data if the objection is justified by special reasons and compelling grounds of TU Wien for processing it do not outweigh them. In case you wish to raise an objection to collection and further processing of your data in the course of the online exam and supervision, then please contact those in charge of the exam immediately, indicating more detailed grounds,

As the subject of this data processing, you have the following rights in relation to TU Wien:

- the right to information;
- the right to rectification;
- the right to erasure;
- the right to restriction of processing;
- the right to data portability;

Furthermore, as the data subject, you are entitled to appeal to the data protection authority about any allegedly incorrect data processing or about any non-compliance of our obligations under GDPR.

## **Competent regulatory authority:**

The competent regulatory authority is the Austrian Data Protection Authority (DSB), Barichgasse 40-42, 1030 Vienna, telephone + 43 1 52 152-0, email: [dsb@dsb.gv.at](mailto:dsb@dsb.gv.at)

16/02/2021