

## APPENDIX 3 - PRIVACY STATEMENT TIU EXAMINATIONS WITH ONLINE PROCTORING

Date: October 7, 2020

Tilburg University (TiU) 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 TiU examination with online proctoring.

The general Tilburg University privacy statement can be consulted on the webpage [Tilburg University Privacy Statement](#).

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

TiU is responsible for the data processing described in this privacy statement, including the responsibility and jointly responsibility for courses at the Jheronimus Bosch Academy for Data Science. TiU 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). Proctorio is Privacy Shield-certified and is bound by a processing agreement with TiU and therefore bound by the GDPR.

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

If you take a remote examination where TiU monitors online, TiU will process the following personal data:

- a. name (first, initials and last name);
- b. e-mail address;
- c. image of TiU student card or identity card as an alternative;
- d. picture of you, taken through the webcam of your computer/laptop;
- e. video and audio recordings of you and the table/desk you are at while making the examination, made via the webcam of your computer. These recordings are used to analyze head- and eye movement, whether there are multiple persons in view and whether you have left the room;
- f. on-screen activities while making the exam;
- g. keystrokes and mouse movements while making the exam;
- h. the IP address of the computer network to which your computer/laptop is connected;
- i. the web pages and applications you visit during the exam;
- j. your answers to the examination questions.

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

Personal data is only used for the following purposes:

- a. authentication: TiU verifies your identity to make sure that you and only you have completed the exam;
- b. fraud control: TiU verifies 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: TiU verifies whether you have completed the examination within the

- applicable time frame.
- d. improving quality of online proctoring: TiU uses the data processed during online proctored exams (including practice exams) to improve its understanding of the used proctoring system and the quality of online proctoring in general.

When processing data in the context of online doctoral examinations, Tilburg University invokes the basis 'legitimate interest' in particular (Article 6, paragraph 1 point f GDPR), whether or not in combination with the 'general/public interest' (Article 6, paragraph 1 point e GDPR) to be served by TiU by virtue of its public law authority to award higher education diplomas and the protection of the right to use a legal title to which students are entitled. TiU wishes to be able to guarantee the quality of education and assessment, not to jeopardize the public value of our diplomas and to avoid unnecessary study delays for students. In addition, TiU wishes to be able to protect the health of our students and staff. Thus, TiU deems the processing of data necessary for the purposes of the legitimate interests pursued by TiU and the public value of the diploma and that the students' rights and freedoms are sufficiently protected.

An examination is only held with online proctoring if the course is a course with knowledge-oriented examinations and the Examination Board is of the opinion that online proctoring is absolutely necessary to prevent fraud and identify the student, and thus to ensure the lawfulness of the degree.

Students who, at the latest upon registration or at least 5 days before the examination, indicate via [onlineproctoring@tilburguniversity.edu](mailto:onlineproctoring@tilburguniversity.edu) that they have insurmountable privacy objections with regard to an online proctored examination, cannot be obliged to participate in an online proctored examination in the coming examination period. If capacity and public health permits, these students will be invited for a physically proctored examination on campus. If the number of registrations for on campus examination exceeds the available capacity, the student will be referred to a next examination opportunity. As a result, there is a chance that a student who does not wish to take the examination for this reason is confronted with study delay.

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

The personal data collected when making a remote examination with online monitoring will be evaluated with use of an automated system and will only be viewed by employees of TiU who, by virtue of their position as a TiU Reviewer, have a role in the processing of your personal data for the above purposes and for whom it is necessary to have access to the personal data in case fraud is suspected (e.g., members Examination Boards, Examination Appeals Board).

Please note that students will not be subject to decision-making based solely on automated processing as described in Article 22, paragraph 1 of the GDPR; each possible case of fraud will first be reviewed by a TiU Reviewer, after which the decision is taken by the Examination Board, within the framework of the procedure described in its Rules and Guidelines. The Test system does not decide on fraud; it only delivers data.

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

The personal data collected within the scope of online monitoring (see question 2) is stored on a secure Proctorio server within the EU. Proctorio is the company that provides the tool TiU uses for online monitoring. Proctorio's encryption algorithms have been proven secure by years of testing and are used by the world's most critical and impenetrable applications. They use double-encryption, zero-knowledge technology to scramble personal data during transfer and in storage with end-to-end protection of every piece of information that leaves a students' computer during an exam.

TiU has entered into 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 the personal data for their own purposes and may only act in accordance with instructions from TiU. In principle, your personal data will not be shared with other third parties, unless TiU is obliged to do so by law or a court order.

### **6. Will my personal data be transferred to countries outside the European Union?**

No, your personal data will not be transferred to countries outside the European Union.

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

Your personal data will only be stored for as long as this is necessary in order to accomplish the purposes mentioned under 3. With regard to the personal data which we collect and process for the purposes of authentication, fraud control and time frame control, the following procedure apply

- The review of the examination session is carried out as soon as possible after the examination has been completed.
- If no identity fraud or examination fraud is suspected, the personal data that has been collected via Proctorio (see under 2) will be deleted latest 30 days after administering the test in the Proctorio system.
- If there is suspicion of identity fraud or examination fraud, a PDF report of 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).

TiU will store your answers to the examination questions, and not the personal data stored for the purposes mentioned under 3, according to the retention periods which are determined by applicable Rules and Guidelines of the relevant Examination Board.

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

Proctorio uses a zero-knowledge encryption, which means that the data is encrypted both in transit and at-rest. Zero-knowledge means: Proctorio has zero access to the encrypted data stored on the Proctorio servers. This unique design means nothing leaves your computer until after it is encrypted and is never unencrypted until it is unlocked by an authorized School official. It is not just end-to-end encryption, it is a zero-knowledge

system. TiU 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.

**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, or in case you wish to access the personal data that we process, 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, please see [www.tilburguniversity.edu/privacy](http://www.tilburguniversity.edu/privacy).

To be able to deal with your request, you may be asked to provide proof of identity. In this way, it will be verified that the request has been made by the right person. If you are not satisfied with the way in which we deal with your request, you have the right to submit a complaint with a supervisory authority.

For more information: general [privacy statement Tilburg University](#).