

Bijlage 3: Privacy Statement Online Proctored Exam TU Delft

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Delft University of Technology (hereinafter as “**TU Delft**”) 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 Delft exam with online proctoring.

1. Who is responsible for processing your personal data?

TU Delft is ultimately responsible for the processing of your data. The TU Delft has a statutory duty under the General Data Protection Regulation (GDPR) to ensure the protection of your personal data and your right to privacy. Within our capacity as a ‘controller’ under Article 4.7 of the GDPR, TU Delft extends this responsibility to online proctoring agencies through the signing of Data Processing Agreement(s). The application of the rules and principles of the GDPR is set in the Agreement(s) and therefore, the online proctoring agencies are also bound by the GDPR.

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

If you take an online proctored exam, the following of your personal data are processed:

- a. name (first, initials and last name);
- b. email address;
- c. Image of TU Delft student card or government ID with BSN number covered;
- 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, recorded through the webcam and microphone of your computer/laptop;
- f. on-screen activities while making the exam;
- g. the IP address of the computer network to which your computer/laptop is connected;
- h. the web pages you visit during the exam take;
- i. your answers to the exam questions.

3. For what purpose will your personal data be processed, and on what legal basis?

Your personal data will only be used for the following purposes:

- a. Authentication. After taking the exam an authentication check will take place in order to ensure that you, and not anyone else, have taken the exam.
- b. Fraud control. After taking the exam, checked fraud control checks will take place. These checks are done to ensure that you have complied with the applicable examination rules, and that you have not used any unauthorized sources such as cheat sheets, chats and the Internet;
- c. Time frame control. After making the exam, a check will be performed to ensure that you have completed the exam within the applicable time frame.

When taking an exam at the TU Delft campus, these aspects are safeguarded by means of surveillance by TU Delft staff in the exam room.

Students who have objections to taking an online proctored exam may apply for an ‘opt-out’ option accordingly to Article 10a of the Regulation. If the number of registrations for the opt-out on that day exceeds the available capacity or government or local restrictions don’t allow on campus exams, 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.

The processing of your personal data is necessary in order to be able to carry out a task of general interest.

4. Who has access to your personal data?

Internally, those authorized in the TU Delft to have access to your data are the Examiner(s) and the members of Digital Exam Desk, as well as employees of TU Delft who are necessarily involved in the proctoring process by virtue of their position. This access can be extended to the members of the Board of Examiners, and the Board of Appeal for Examinations if there is any suspicion of fraud.

Your personal data will also be shared with the online proctoring agencies which are instructed by the TU Delft to provide you online proctored examinations.

At the time of writing this Privacy Statement, TU Delft uses the following online proctoring agency:

- RPNOW (<https://www.psonline.com/en-gb/privacy/>);

Lastly, your personal data will not be shared with other third parties, unless the TU Delft is obliged to do so by law or a court order.

5. How TU Delft ensures the security and protection of your personal data

The TU Delft has entered into a processing agreement with the above mentioned online proctoring agencies to ensure that your personal data is processed carefully, securely and in accordance with GDPR. This agreement also stipulates that these third-parties and its subcontractors (sub-processors) may never process the personal data for their own purposes and may only act in accordance with instructions from the TU Delft.

Your personal data will not be shared with other third parties, unless the TU Delft is obliged to do so by law or a court order.

6. Will your personal data be transferred to countries outside the European Union?

The data of the online proctoring will be transferred outside the EU to the USA. The data of your exam will not be transferred outside the European Union.

7. How long will your personal data be stored?

With regard to the personal data which we collect and process for the purposes mentioned above, the following data retention period applies:

- The review of the recording of the exam session is carried out within 5 calendar days after the exam has been completed.
- If no identity fraud or exam fraud is suspected, the personal data which has been collected will be deleted no later than 90 calendar days after administering the test.
- If there is suspicion of identity fraud or exam fraud, the personal data which has been collected 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 law. For most exams this is 2 years.

8. How can you exercise your privacy and data subject rights?

Under the GDPR, you have the following rights:

- The right to access – You have the right to request copies of your personal data.
- The right to rectification – You have the right to request the correction of any personal data you believe is inaccurate, under certain conditions.
- The right to erasure – You have the right to request the erasure of your personal data, under certain conditions.
- The right to restrict processing – You have the right to request the restriction of the processing of your personal data, under certain conditions.

- The right to object to processing – You have the right to object the processing of your personal data, under certain conditions.
- The right to data portability – You have the right to request transfer of the personal data that we have collected directly to you or to another controller, under certain conditions.

As involved person, you have the right under the GDPR to object to the processing of your personal data for "reasons related to your specific situation". TU Delft will then weigh up your interests against TU Delft's interests. In any event, TU Delft will cease processing your data if it can demonstrate that the overriding legitimate interests does not outweigh your interests or your fundamental rights and freedoms.

If you wish to exercise any of these rights or in case you have specific questions, you can contact the Privacy Team and the Data Protection Officer at TU Delft via: privacy-tud@tudelft.nl.

Any complaints can also be submitted to the Dutch Data Protection Authority.

In addition to this privacy statement, the general privacy statement of TU Delft also applies (<https://www.tudelft.nl/en/privacy-statement/>).