Privacy statement TU/e 'Exams with online proctoring

Date: 31 March 2020

Eindhoven University of Technology (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?
Eindhoven University of Technology (hereinafter referred to as: TU/e) is responsible for the data processing described in this privacy statement, including the responsibility and jointly responsibility for courses at the Jeronimus Bosch Academy for Data Science. The 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). Proctorio is bound by a processing agreement with the TU/e and therefore bound by the 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;
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. the IP address of the computer network to which your computer/laptop is connected;
i. the web pages you visit during the exam take;
j. 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. After making the exam it will be checked if you are the one for whom you have spent your time;
b. fraud control. After taking the exam, it will be checked 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. After making the exam, it will be checked 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) or 'legitimate interest' (article 6.1 (f) GDPR). This means that the processing is necessary for the purposes of carrying out a task in the public interest or in the exercise of official authority vested of for the purposes of the legitimate interests pursued by the TU/e and that your rights and freedoms are sufficiently safeguarded.

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; and
- 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.
Students who have insurmountable objections to taking a 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 or must be met, for example by postponing the exam and/or making the exam at the TU/e campus subject to physical surveillance. Objection can be made in the manner stated in question 10.
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 and will only be viewed by employees of the TU/e who, by virtue of their position as a 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 Committees, Board of Appeal for Examinations).

5. Will my personal data be shared with third parties?
The personal data collected within the framework of online monitoring (see question 2) is stored on a secure server of the company Proctorio. This is the company that provides the tool that the TU/e uses for online monitoring (Proctorio). The encryption algorithms of Proctorio 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.
The TU/e has entered into a 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 the TU/e.
In principle, your personal data will not be shared with other third parties, 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 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 applies.

- The review of the exam session is carried out as soon as possible after the exam has been completed.

- 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 15 working 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?
Proctorio uses a zero-knowledge encryption which means that the data is encrypted both in transit and at-rest. Zero-Knowledge means: nothing about the encrypted data on 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’s not just end to end encryption, it’s a zero-knowledge system. 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.

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 ask them via esahelpdesk@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 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.
If you wish to exercise any of these privacy rights, you can contact to the Data Protection Officer of the TU/e via: privacy@tue.nl
To be able to deal with your request, you will 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.