



Privacy statement by Utrecht University concerning online proctoring making use of ProctorExam

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In this privacy statement, we explain what happens to your personal data and how we handle your personal data when you sit an exam where online proctoring is used. The supplier providing this service is ProctorExam.

What is online proctoring and when will it be used?

Online proctoring is a location-independent form of conducting tests, where the student sits the test online at home. Invigilating takes place online with the aid of special software. The test is recorded and reviewers watch the recordings afterwards to assess whether there are any doubtful moments that must be scrutinised by the examiner. The aim is to guarantee the integrity of the test and the value of the diploma by preventing students from committing fraud.

UU will always first seek a less invasive form of conducting tests. It will first look, for example, whether an open-book test or take-home test is possible. Only if another form of test is deemed not possible will it be decided to conduct the test using online proctoring. Click [here](#) for a further explanation of the protocol.

Who is responsible for processing my personal data?

Utrecht University (UU) is the controller within the meaning of the General Data Protection Regulation (GDPR) and is responsible for processing the personal data described in this privacy statement. UU is therefore your first point of contact concerning online proctoring. UU is a legal entity under public law pursuant to Section 1.8 of the Higher Education and Research Act (*Wet op het hoger onderwijs en wetenschappelijk onderzoek*) and has its registered office at Heidelberglaan 8, 3584 CS Utrecht. UU is under the statutory obligation to process your personal data with care. Not only UU, but also the supplier, in this case ProctorExam, is bound by this legislation. A processing agreement has been concluded with this supplier.

For what purposes are my personal data processed?

We process your personal data solely for the following purposes:

- to be able to send you information regarding the test;
- to be able to confirm your identity on the basis of a passport or identity card;
- to be able to establish whether or not irregularities occur during the test;
- to examine the knowledge, skills and insight you demonstrate as a student during the test¹;
- to ensure the quality of the test;
- to ascertain whether you have completed the test within the time available for it;
- to deal with objections and appeals.

¹ According to the law, each test must examine the knowledge, insight and skills of the examinee, as well as assess the outcome of that examination.



What personal data are processed?

When you sit a test with online proctoring, the following personal data are processed:

- Name (forename, surname, initials)
- UU email address
- Details of the identity card or passport of the student (it is specifically requested that the citizen service number (BSN) be obscured)
- An image recording of the student
- Chat details during the test
- Special facilities specifically granted to the student for the test
- An image recording of the screen by means of screen capturing
- Audio recording of the student
- Test answers²
- Language settings
- Duration of the test
- Personal details apparent from image or audio recordings of the student (e.g. a political campaign poster)
- Log data in the virtual test environment
- IP address
- Websites visited, applications, tools, files and other open screens from which personal data can be derived, during the test due to image recording of the student's screen by means of screen capturing.

What is the legal basis?

The legal basis for UU to process personal data is Article 6(1)(e) of the GDPR, since processing is required in order to carry out a task in the public interest or a task within the context of the exercise of public authority entrusted to a controller, in this case Utrecht University. A task of public authority exists when government authorities or bodies perform a task regulated by law. The task regulated by law for the organisation and procedure regarding tests and examinations ensues from the Higher Education and Research Act. For more information on this, see the [protocol online proctoring](#).

Who has access to personal data?

Reviewers have access to your personal data. Reviewers are either staff of Utrecht University or professional invigilators hired by ProctorExam. The hired invigilation support is provided by Citrus Andriessen in Oisterwijk. This is a firm that has experience in holding assessments and tests in an online environment. The reviewers of Citrus Andriessen first validate the identity of the candidate. Employees of ProctorExam employees of Utrecht University are available to provide support with the setup of the test before students begin the test. The reviewers then check the saved images afterwards for any irregularities. If they see anything suspicious, a UU examiner will then also have access to the images to check whether the images can actually be judged to be fraudulent.

Authorised UU staff members also have access to your personal data if this is necessary for them by virtue of their position. An example of this is the Board of Examiners. This takes place on the basis of a need-to-know-principle, meaning that personal data will

² See the Novak ruling, in which written test answers are considered as personal data.



only be accessible to staff members who need to inspect the personal data in order to perform their duties.

Will my data be shared with third parties?

Your data will be shared only with the supplier and subcontractors engaged by ProctorExam. These are contractors engaged by the supplier to perform part of the service or to enable the service to be performed properly. The agreements that UU has made in the area of privacy also apply to ProctorExam's subcontractors. The following subcontractors are involved:

Subprocessor name	Processing activity	Processing location
Tawk.to	Provider of live-chat functionality	Republic of Ireland
Amazon AWS	Hosting provider and streaming service provider	Germany
Sendgrid	Solely for sending transactional emails	United States
Citrus Andriessen	Invigilation support and technical support	Netherlands

Are my data passed on to countries outside the EEA?

A very few personal data elements are passed on outside the EEA. These are the email addresses and the forenames. This is because ProctorExam has engaged a subcontractor which performs part of the service in the United States. This is Sendgrid, a firm that takes care of the email traffic. In this case, the data are passed on based on the model contract provisions laid down by the European Commission. All other personal data are processed within the European Union.

Citrus Andriessen in Oisterwijk provides invigilation support. All images used to check for irregularities or fraud are therefore examined within the Netherlands.

How will my personal data be protected?

UU, together with ProctorExam, has taken technical and organisational measures to protect your personal data. Examples of the measures taken, such as to prevent unauthorised access to or unauthorised use of personal data and the equipment used for processing purposes, include the following:

- Personal data are encrypted;
- Access is logged and monitored;
- Access to personal data is given on a need-to-know basis;
- Physical access control;
- Virtual access control;
- Data access control;
- Separation of personal data and databases;
- Control of data availability.



How long will my personal data be kept?

If you have completed a test and no irregularities have been found, your personal data will be kept no longer than is necessary to award a mark. If irregularities are found, your data will be kept as long as is necessary to undertake further investigation and reach a decision on the legitimacy of the result of a test (this also includes any proceedings on the matter).

Is there automated decision-making or profiling?

No automated decision-making takes place, i.e. decisions will never be taken without human intervention. Profiling does not take place either.

Am I required to provide personal data in connection with online proctoring?

If we ask for personal data, we will explain clearly whether the provision of this data is necessary and therefore obligatory, and what the (possible) consequences are if the data are not provided. Our starting point is always that we do not process more personal data than is necessary.

What rights do I have under the GDPR and how can I exercise these rights?

On the basis of the GDPR, you have the right to access your personal data that is being processed, the right to rectify your personal data if they contain factual inaccuracies, the right to erase your personal data, the right to restrict the processing of your personal data, the right of data portability and the right to object to the processing of your personal data.

If you lodge an objection, it will be examined on a case-by-case basis whether this objection can or must be granted. This will be the case if you can demonstrate that in your specific situation your privacy interest would outweigh the interests referred to above.

If you wish to exercise your rights, please contact the UU Data Protection Officer via fg@uu.nl. If you wish to exercise your rights, you may be asked for certain information in order to confirm your identity, so that we know for certain that the right person is requesting the right information.

Should you not agree with the way in which we process your personal data, you have the right at all times to submit a complaint to the Dutch regulator: the Dutch Data Protection Authority (*Autoriteit Persoonsgegevens*).

Questions

If you have any questions about the way in which your personal data are processed, please contact us via privacy@uu.nl.