

Privacy statement "Testing with online supervision" (using Test Vision and Proctor Exam)

Version 0.9

Determined by: Taskforce Fontys Online

Date: June 9, 2020

Fontys has made the choice to use online (remote) assessment with online supervision as an alternative way of assessment during the COVID-19 period. This alternative way of examination is only used if your Fontys institute has decided that another way of testing, such as a paper or an open book examination without supervision, is not sufficient.

Fontys 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 guaranteed when you take an assessment with online supervision.

This Privacy Statement is about tests that are taken in the test program 'TestVision' using 'ProctorExam' for online surveillance. Fontys uses 'live proctoring', in which a Fontys supervisor conducts online surveillance during the test. Images are only reviewed afterwards if irregularities occur.

The guidelines (including regulations) for organizing a test with online proctoring will be announced in advance. [\[link to guidelines\]](#)

For more information about what the online surveillance involves and what Fontys can see exactly of you during the surveillance, see the following video:

<https://fontys.mediamission.nl/Mediasite/Play/3d2fd3cf80004e95ad27e5633866cab61d>

(paste the link in the browser) *

* no rights can be derived from this video. It is only an indication.

1. Who is responsible for the processing of my personal data?

Fontys Hogescholen (hereinafter: Fontys) is responsible for the data processing described in this Privacy Statement. Fontys has a legal obligation to ensure that your personal data is processed in accordance with applicable privacy legislation, including the General Data Protection Regulation (GDPR).

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

If you take an online (remote) test in which Fontys supervises online, Fontys processes the following personal data:

- name of the student;

- email address / login details;
- student number / pcn;
- that you are a Fontys student / employee and from which Fontys institute;
- photo and name of your ID (the rest of the data on your ID must be covered by you with the Copy ID app);
- photo of you, taken via the webcam of your computer / laptop;
- video and audio recordings of you and the room in which you are while taking the test, made via the webcam of your computer / laptop;
- screen activities while taking the test;
- the internet pages that you visit during the test via the Chrome browser;
- a room scan and the recording of the test environment with 2nd device;
- your answers to the test items;
- If applicable: extra time.

When using the ProctorExam application, the following items are retrieved by the application: browser, operating system and IP address. This information is necessary to provide the online service properly and to solve technical problems, if necessary.

3. For what purpose are my personal data processed and on what legal basis?

The personal data is only used for the following purposes:

- taking the test. We process various data to enable you to take the test online.
- authentication. It is checked whether you are the one for whom you have issued;
- fraud control and compliance with regulations. It is checked whether you have complied with the applicable regulations during the test as described in the guidelines;
- control of time lapse. It is checked whether you have completed the test within the applicable time frame;

We process your personal data on the basis of "legitimate interest" (Article 6.1 (f) GDPR). This means that the processing is necessary for the representation of a legitimate interest and your rights and freedoms are sufficiently safeguarded.

4. Who has access to my personal data?

The personal data collected while taking an online (remote) test with online supervision is only viewed by the persons who have Fontys's instruction competence and who have a role in organizing tests and supervising them. These persons only get access if necessary.

During the test you will be monitored online. We ask you to take this into account with what is visible in the room in which you take the test.

The recorded images, including the name and photo on your ID card, are viewed during the test by a Fontys supervisor, who can identify abnormal and possibly suspicious situations / incidents. Suspicious

situations / incidents are reported to the test coordinator and investigated by the 'Examencommissie'. The 'Examencommissie' can therefore access the images if irregularities are found. There is no reporting or documentation from ProctorExam, so there is never automated decision-making.

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

Fontys uses the Test Vision tool for online tests and ProctorExam for online surveillance. Fontys has entered into a processing agreement with both suppliers to ensure that your personal data is processed carefully, securely and in accordance with the GDPR. This also stipulates that the supplier and its subcontractors (sub-processors) may never process the personal data for their own purposes and may only act in accordance with instructions from Fontys.

In principle, your personal data will not be shared with other third parties, unless Fontys is obliged to do so on the basis of the law or a court order.

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

Fontys stores data within the borders of the European Union, where possible. Where this is not possible, Fontys will only share data with countries if the European Commission has designated the country concerned as a country with an adequate level of protection (Article 45 GDPR) or where appropriate guarantees have been provided (Article 46 GDPR).

The central servers that the test providers Test Vision and ProctorExam use to store data are located in the EU. The images taken during surveillance do not leave the EU.

Some data can be exchanged with the US, such as a situation where intensive technical support is required (for example, ProctorExam uses the American tool MonitorEdu). Data exchange with the US is protected by the Privacy Shield (see <https://www.privacyshield.gov/list>.)

7. How long are my personal data kept?

We do not store your personal data longer than necessary to achieve the purposes as stated in question 3.

The completed test with the corresponding result will be saved in accordance with the agreements in the OER.

A different process applies to the storage of images taken during online surveillance. After the examination and analysis, the cut-off point is recorded and the figures/results are determined. In the event of no irregularities, this will be done within 10 working days, in accordance with OER. Once the figures/ results have been determined and the period for inspection and objection has expired, the images will be destroyed. Once these terms have expired, the images can no longer be requested. If possible fraud is found, the test, including the images, will be submitted to the Examination Board. The images will then be kept for as long as necessary for investigation by the Examination Board and any appeal procedure to the Examination Appeals Board.

8. How is my personal data secured?

Fontys takes appropriate technical and organizational measures, such as encryption when sending and storing data, to protect your personal data against loss and any form of unlawful processing.

9. What should I do if I do not have the right equipment for or if I object to taking the test online

A student who does not have the necessary equipment or who objects to tests with online supervision due to his or her specific situation, is at all times entitled to make this known to his / her examination committee. It will be assessed on individual basis whether there is an opportunity to accommodate the student, for example by taking the test at a Fontys location, possibly at a later time.

10. How can I exercise my privacy rights?

Under the GDPR you have - under certain conditions - the right to inspect the personal data that is processed from you, the right to correct your personal data if they are legally wrong, the right to erase your personal data, the right to restriction of processing your personal data and the right to object to processing your personal data.

If you want to exercise these privacy rights, you can notify Fontys Data Protection Officer at: ISP-Office@Fontys.nl.

If you are not satisfied with the way we handle your personal data, you have the right to file a complaint with the Dutch Data Protection Authority.
