

PRIVACY NOTICE FOR REMOTE TEACHING AND EXAMS IN THE CONTEXT OF THE COVID-19 OUTBREAK

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INTRODUCTION

In accordance with Articles 12, 13 and 14 of the EU Regulation 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (hereafter the “GDPR”), this Privacy Notice (hereafter “the Notice”) explains how the University of Luxembourg collects, processes and protects Personal Data in relation with the organisation, performance of remote teaching and remote exams for the Grades of Bachelor and Master.

1) WHO IS THE CONTROLLER?

The University of Luxembourg as public higher education and research establishment, operating under the supervision of the Ministry for higher education and Research process your personal data as controller in the meaning of the GDPR for the purposes described below.

The University has appointed a DPO reachable during working hours. Further information is provided on https://www.uni.lu/university/data_protection and an email address is available: dpo@uni.lu.

2) WHY DO WE PROCESS YOUR PERSONAL DATA?

In the context of the Covid-19 outbreak and following governmental recommendations for social distancing, the University of Luxembourg (hereinafter “University”) has proceeded to organise teaching and exams remotely.

The processing of your personal data is necessary for several purposes:

- For the organisation of the remote teaching and exam sessions, in order to contact and inform students on time, setting and modalities of these sessions;
- For the assessment of students and for the attribution of grades. This will include the recording of remote teaching or/and, as set forth below, exam sessions (oral and written) where recording is necessary to ensure fairness of exams, as a basis for grading, and as a basis of evidence in the case of appeals.
- For the purpose of confirming the identity of students during exams.
- For the purpose of invigilation through recording via teleconferencing tool. Invigilation involves video (voice and image) recording of oral sessions during an exam for student assessment, identifying fraud and guaranteeing compliance with standards of academic integrity. Invigilation will be applied for specific remote exams where the use of unauthorised material or unauthorised help from third persons could be a significant illegitimate advantage in view of the assessment of the student’s performance.

3) WHICH PERSONAL DATA DO WE COLLECT AND FURTHER PROCESS?

The collection and processing will depend on the purposes described in section 2.

For the organisation of remote teaching sessions and exams, the personal data processed includes your name, surname, and student email address.

The tool used for the video recording of teaching and exam sessions is WebEx. The tool records images and sound of all participants to the teaching and exam sessions. You are advised to inform the teacher as soon

as possible before the teaching or exam session if you do not want to be recorded (audio, video, or both). If you decide to switch off the microphone and/or video during the teaching or exam session, you have to inform the teacher immediately of this decision.

Remote oral exams are held through WebEx. WebEx registers images and sound during the exam session. Further information about data collection is provided here: <https://trustportal.cisco.com/c/r/ctp/trust-portal.html?prodserv=Cisco%20Webex%20Meetings>

4) [HOW DO WE COLLECT PERSONAL DATA?](#)

Regarding the organization of exams, we collect the Personal Data as provided by you.

In the context of teaching sessions and remote exams we collect the Personal Data through the digital platforms listed above.

5) [ON WHICH LEGAL BASIS DO WE PROCESS YOUR PERSONAL DATA?](#)

The legal basis for the processing of your personal data for the organisation and performance of remote teaching and exam sessions is article 6.1 e) GDPR as the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller. The public interest is represented by the mission of teaching of the University as stated in the modified Law of the University of Luxembourg 27 June 2018 article 3(1).1°.

6) [WHO ARE THE RECIPIENTS OF YOUR PERSONAL DATA?](#)

- The instructors and examiners of the respective course have access to your data in order to achieve the purposes described in section 2;
- In the case of a suspicion of fraud, the Study Programme Director of the study programme concerned, the Dean and members of the Dean's Office concerned, the Vice-rector for academic affairs and members of the Office of the Vice-rector for academic affairs, and potentially the members of the University's Appeals' Committee only in the event of an appeal ;
- In the case of an appeal exercised by a student, the members of the Board of Examiners of the study programme concerned, the Vice-rector for academic affairs and members of the Office of the Vice-rector for academic affairs, and the members of the University's Appeals' Committee;
- The members of the IT team administrating the platforms used for remote teaching and exams, including Moodle;
- WebEx may access to your personal data. Additional information about their GDPR policy is provided here <https://www.cisco.com/c/en/us/about/trust-center/gdpr.html>.

7) [DO WE TRANSFER YOUR PERSONAL DATA OUTSIDE OF THE EUROPEAN UNION?](#)

Your Personal Data is mainly processed within the European Union and Economic European Area (Norway, Liechtenstein, and Iceland).

The University may, however, transfer your Personal Data to third countries with respect to data used in the

context of Web conferencing, in accordance with GDPR requirements, using the following mechanisms:

- transfer to a third country deemed to offer an adequate protection, according to a decision issued by the European Commission,
- signature of Standard Contractual clauses between EU Controller and Data Processors established in third countries (Decision 2010/87/EC) https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/standard-contractual-clauses-scc_en

8) [HOW LONG DO WE STORE YOUR PERSONAL DATA?](#)

The Personal Data related to the organisation of the exams provided by you are kept for the duration of your relationship as a student with the University.

The Personal Data related to teaching sessions and remote exams are kept until the process is complete and until the student has had the opportunity to introduce a complaint, that is, 6 months after notification of the grade.

9) [WHAT ARE YOUR RIGHTS WITH REGARD TO THE PROCESSING OF YOUR PERSONAL DATA?](#)

According to the GDPR, you benefit notably from the following rights if the conditions for their exercise are met: right to be informed, right to access to your personal data, right to rectification, right to erasure, right to restrict the scope of the processing, right to object, right to data portability, right to lodge a complaint. The University provides further information on its website page: https://www.uni.lu/university/data_protection/your_rights

In practice, you can exercise your rights by contacting our DPO: By

✉ sending a request per post to:

Université du Luxembourg
À l'attention de: DPO – Exercise of Data Subject rights
Maison du Savoir
2, Avenue de l'Université
L-4365 ESCH BELVAL

Or

✉ By sending a request per email to the DPO, at dpo@uni.lu

Any request shall be processed by the University of Luxembourg without undue delay, and where feasible no later than one (1) month after its receipt, at least in order to inform you about the status of your request. This period may be extended for two (2) additional months for complex cases or due to a high volume of requests.

10) [HOW CAN YOU LODGE A COMPLAINT?](#)

If you consider that the Processing of Personal Data relating to you infringes the GDPR, you will have the right – without prejudice to any other administrative or judicial remedy – to lodge a complaint with a

supervisory authority, in particular in the Member State of your habitual residence, place of work or place of the alleged infringement.

In Luxembourg, the competent authority is the *Commission Nationale pour la Protection des Données* (CNPD).

Contact of the CNPD:

Commission Nationale pour la Protection des Données

1, avenue du Rock'n'Roll

Service des réclamations

L-4361 Esch-sur-Alzette

Tel.: (+352) 26 10 60 -1

Fax: (+352) 26 10 60 -29

You can also use their contact form at <https://cnpd.public.lu/fr/support/contact.html>

11) APPLICABLE LAW – JURISDICTION

The present Notice shall be governed and construed in accordance with the Luxembourgish law. Any dispute concerning the existence, interpretation or performance of this Notice which cannot be settled amicably, shall fall within the jurisdiction of the Courts of Luxembourg City, without prejudice to the rights of the Data Subjects to bring the matters before the court where he or she has her place of residence as well as its right to lodge a complaint with the supervisory authority.