

# Data protection information for those involved in digital examinations

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## Person responsible

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## Contact details of the external data protection officer

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## Purpose of the processing

We process your personal data for the purpose of conducting digital examinations. This may in the form of graded end-of-semester examinations, semester-accompanying certificates as well as voluntary, ungraded and semester-accompanying examinations. There are no plans to change this purpose.

## 1. Legal basis for the processing of graded end-of-semester examinations and semester-related certificates

### *a.) Processing students' personal data*

As part of the fulfillment of their tasks in the area of teaching, anchored in the Bavarian Higher Education Innovation Act, universities may process personal data. (Art. 6 para. 1 letter e para. 2, 3 GDPR in conjunction with Art. 4 para. 1 BayDSG in conjunction with Art. 3 BayHIG).

The fulfillment of this task is only possible with the help of the collection of students' personal data. Students are obliged to provide their personal data as part of the enrollment process and therefore also as part of an examination (Art. 87 para. 2 BayHIG). Examinations may taken in electronic form. This is regulated in § 6 (4) of the currently valid General Examination Regulations (APO) of Landshut University of Applied Sciences.

The legal basis for the storage of the interim results of the examination papers is Article 6(1)(e) GDPR in conjunction with Section 46(1) APO. The processing serves to ensure the integrity and availability of the data and is necessary for the performance of the task of conducting digital examinations.

The legal basis for the processing of information about an existing compensation for disadvantages results from Art. 9 para. 2 letter g, Art. 6 para. 1 letter e, para. 2, 3 GDPR in conjunction with Art. 4 para. 1 BayDSG in conjunction with Art. 3 BayHIG in conjunction with § 26 APO.

### *b.) Processing of the personal data of correctors*

The obligation to process their data (correction) arises for civil servant examiners as an official duty from the BayBG, for non-civil servant employees from their employment contract (Art. 6 para. 1 letter b GDPR), for lecturers from the special relationship under public law.

### *c.) Processing of log files, cookies and security updates*

Log files, cookies and security updates are technically necessary for the "Digital Audit" service and for testing or maintaining the systems and ensuring the network and information security of Landshut University of Applied Sciences. processing of personal data is carried out in accordance with Art. 6 para. 1 letters c and e GDPR i.V.m. Art. 6 para. 1 BayDSG.

### *d.) Thumbnail view of test PCs*

Please note that an exam supervisor can call up a thumbnail view of any exam PC at any time during an EXaHM exam. In the thumbnail view, the exam supervisor can see a live image of the screen that the examiner can also see. The texts of an entry cannot be read in the thumbnail view.

## **2. Legal basis for voluntary, ungraded examinations during the semester**

The processing of personal data for the purpose of taking voluntary, ungraded and semester-accompanying examinations is based on the legal basis of consent pursuant to Art. 6 para. 1 letter a, Art. 7 GDPR.

### **Recipients or categories of recipients of the personal data**

The personal data provided will be processed exclusively in the context of conducting digital examinations and passed on within the university to the following parties:

- Examiner (first and, if applicable, second corrector)
- Admin and support roles in the EXaHM test system
- Members of examination bodies (§ 2 APO) External

disclosure only takes place as follows:

- on an ad hoc basis vis-à-vis litigants in the context of court proceedings
- possibly for the maintenance of the examination server to the relevant service provider

### **Planned storage period of personal data**

Personal data - of students participating in digital examinations - is generally deleted after the retention period for examinations specified in Section 46 APO. Accordingly, examination results must be kept for two years. The retention period begins at the end of the calendar year in which students are notified of the result of the respective module examination. The deletion period is extended if proceedings are pending. Contact details of supervisors, lecturers, admin and support roles in the

EXaHM test systems are stored for as long as they are involved to ensure that the digital tests run smoothly.

### **What else you should know - your rights**

For digital remote examinations, you have the right to choose whether to participate.

With regard to the processing of your personal data, you as a data subject have the following rights in accordance with Art. 15 et seq. GDPR, provided that you do not assert them abusively, manifestly unfounded or excessively:

- You can request information about whether we process your personal data. If this is the case, you have a right of access to this personal data and to further information related to the processing (Art. 15 GDPR). Please note that this right to information may be restricted or excluded in certain cases (see in particular Art. 10 BayDSG).
- In the event that personal data about you is not (or no longer) accurate or incomplete, you may request that this data be corrected and, if necessary, completed (Art. 16 GDPR).
- If the legal requirements are met, you can request the erasure of your personal data (Art. 17 GDPR) or the restriction of the processing of this data (Art. 18 GDPR). However, the right to erasure pursuant to Art. 17 (1) and (2) GDPR does not apply if, among other things, the processing of personal data is necessary for the performance of a task out in the public interest or in the exercise of official authority (Art. 17 (3) (b) GDPR). In particular, archiving law may give priority to surrender over erasure.
- If you have consented to the processing or a contract for data processing exists and the data processing is carried out using automated procedures, you may have a right to data portability (Art. 20 GDPR).
- You have the right to complain to a supervisory authority within the meaning of Art. 51 GDPR about the processing of your personal data. The competent supervisory authority for Bavarian public bodies is the Bavarian State Commissioner for Data Protection, Wagnmüllerstraße 18, 80538 Munich. In addition to the right to lodge a complaint, you can also lodge a judicial remedy.
- If the processing is based on consent, you have the right to withdraw your consent at any time. The revocation only takes effect for the future; this means that the revocation does not affect the legality of the processing carried out on the basis of the consent until the revocation.
- **For reasons arising from your particular situation, you can also object to the processing of your personal data by us at any time (Art. 21 GDPR). If the legal requirements are met, we will then no longer process your personal data.**

A portal solution from our external data protection officer is available for inquiries to the data protection officer and your rights as a data subject vis-à-vis the controller.

<https://datenschutz.insidas.de/anfrage-formular/hochschule-landshut>

*Last update of this privacy policy: 01.04.2025*