

Online Proctoring Infosheet

Introduction

The coronavirus crisis means that we will be staying at home for a period that is still undefined. This also means that EUR has had to close its doors to students and employees. To keep the knowledge of students up to date the university deploys remote learning using video lectures. It is, however, also important to test this knowledge. Online proctoring (OP) is necessary in order to facilitate high-quality continuity of education and to make remote examination possible. However, the use of OP has an impact on students' privacy. This Infosheet therefore contains information on OP. What is online proctoring? And how does EUR deploy this in a way that protects privacy?

Online proctoring

Online proctoring is software that enables remote proctoring. If you sit an examination in this way, the proctoring of the examination takes place via the camera and microphone of your own device rather than by a proctor who is present in the examination room. The software also offers live support via a chat line, in order to support you with any technical problems. If an educational institution decides that the examination will be taken via OP, the students will be contacted in order to check that their devices comply with the technical requirements for remote examination. Students who do not have the necessary equipment for OP can call on support from the Erasmus Trust Fund. In addition, extra provisions for OP can also be made for students with functional impairments. Students should, prior to the examination, contact the study advisor for this.

No artificial intelligence

If EUR uses OP in order to be able to check remotely whether students are cheating in their examinations, proctoring is based on manpower. EUR does not, therefore, use artificial intelligence to detect fraud during an examination taken remotely via OP.

The purpose of online proctoring

EUR uses OP in order to give students a chance to sit their exams in a safe and controlled environment. In this way students are given a chance to sit examinations and complete the academic year successfully, even during the current coronavirus crisis. In order to ensure the validity of the examinations and prevent fraud, proctoring takes place while the exams are being conducted. For examinations on campus, this is performed by proctors who are physically present in the examination room, whereas with OP, it is performed by online proctors. The data used for OP will not be processed for other purposes.

Which information is gathered?

The objective for which OP is used is the detection of potential fraud during remote examination. In order to achieve this goal, certain personal data will be gathered: your name, e-mail address, student number, a screenshot of your computer and a webcam recording of your environment, including your face. You must also provide proof of identity by showing your student card (or other legally valid identity documents). These personal data will be used only for the purpose for which they're gathered, and this purpose is solely the proctoring during remote examinations.

No special categories of personal data

European privacy legislation provides that special categories of personal data may only be processed if the exemption of Article 9 of the General Data Protection Regulation (GDPR; AVG in Dutch) applies. With regard to photographic and visual material, the GDPR provides (in Recital 51) that photographs may not be systematically regarded as a special category of personal data if, for example, they reveal race or ethnicity. Processing of a special category of personal data occurs only if the purpose of the photograph is the recording of a special category of personal data. The purpose of gathering the photographic and visual material does not lie in the registration of race and/or ethnicity, but in detecting any fraud during remote online examinations. For that reason, no processing of special categories of data takes place in OP.

Legal grounds

In order to comply with European privacy law, EUR must be able to base the processing of personal data on legal grounds. In Article 6, the GDPR sums up the legal grounds on which processing of personal data may be based:

- The processing is based on the consent of the data subject;
- The processing is necessary for the performance of an agreement;
- The processing is necessary in order to comply with a legal obligation;
- The processing is necessary to protect vital interests of a data subject;
- The processing is necessary for the performance of a task carried out in the public interest;
- The processing is necessary for the purposes of legitimate interests.

General interest

In the current situation in which, as a result of the coronavirus crisis, it is not possible for EUR to enable students to sit examinations physically, OP is legitimate, as this form of examination is necessary for the performance of a task carried out in the public interest as intended in the GDPR (Article 6(1)(e) of the GDPR).

This concerns statutory duties. EUR conducts examinations by means of OP in order to be able to continue to comply with its (legal) obligations as an educational institution during the coronavirus crisis, by offering good-quality education, administering examinations and issuing diplomas. This is a statutory duty of EUR, based on the Higher Education and Research Act (WHW in Dutch).

Request for alternative examinations.

If there are students with justified objections to sitting an examination via OP, in the situation that physical examination is not possible due to the coronavirus crisis, they can object to this under article 21 of the GDPR. These students have the option of submitting a request for an alternative examination provision to the Examination Board, stating their reasons. The Examination Board will consider the seriousness of the objection and can decide to offer an alternative provision. However, in view of the coronavirus crisis, it may take a considerable amount of time before an alternative provision can be offered, possibly only from the next academic year.

Right of access

Students have the right to access personal data that EUR processes concerning him or her (Article 15 of the GDPR). They therefore also have the right to access data processed in relation to OP.

If required, students must submit a request to view data within the time window of six weeks, as the data will be erased after this. [Here](#) you can make a request to access your personal data.

Term for saving data

The visual material gathered from the students in relation to OP will not be saved longer than is necessary for realization of their purpose. The images are saved in an environment over which EUR has direct control and will be erased within six weeks. Back-ups are made every 24 hours and are also erased after six weeks. It is necessary to keep the visual material for six weeks because the current coronavirus crisis means that assessment of examinations may take longer than usual.

Measures to protect privacy

DPIA

The use of OP has an impact on students' privacy. The EUR takes measures to ensure that the impact on students' privacy is as minimal as possible when the student sits a remote online examination. In order to facilitate OP, EUR uses the software for this of the Dutch company ProctorExam. In order to investigate whether ProctorExam complies with the requirements of the GDPR, EUR analyzed ProctorExam by means of a Data Protection Impact Assessment (DPIA). This DPIA has led to several measures to ensure the protection of students' privacy. These measures will be discussed down below.

Processing agreement

EUR contracted a processing agreement with ProctorExam. This processing agreement records agreements on matters including the storage, term for saving data and the security of personal data.

Commitment to objective

The personal data (as summarised above) that are gathered in order to detect potential fraud during a remote examination are used solely in order to realize this objective and not for any other purposes.

Invigilators

Only proctors selected by ProctorExam have access to the data. The proctors are required to act with integrity. Furthermore, ProctorExam logs which proctor has access to which data. This way ProctorExam always knows which proctor surveilles which student.

Cameras

The normal procedure of ProctorExam is that the student is recorded by means of two devices: the webcam in the student's laptop and a camera that he or she places behind him/her. If EUR deploys ProctorExam, proctoring will take place only with one camera: the student's webcam. The environment in which the student is located will not, therefore, be recorded separately.

Control over retention period

The EUR has the control over the retention period of the collected data. This way the university can ensure that data will never be stored longer than the allowed retention period.

More information

For more information on online proctoring and ProctorExam, please see the [privacy statement of ProctorExam](#) and the [privacy statement of EUR](#).