

INFORMATION ON THE PROCESSING OF PERSONAL DATA DURING WRITTEN EXAMS ADMINISTERED VIA MOODLE, SEB, EXAM NET AND WEBCONFERENCE AS WELL AS ONLINE PROCTORED EXAMS

(pursuant to Art. 13 of EU Regulation 2016/679)

Introduction

Pursuant to Article 13 of Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (“GDPR”), the University of Milan, in its capacity as Data Controller, hereby informs students on the processing of their personal data during written exams administered via MOODLE, SEB, EXAM NET and WEBCONFERENCE as well as ONLINE PROCTORED exams.

Such processing applies only to the data of students who take exams remotely and fall into one of the following categories: students on international mobility programmes, students residing in countries with health or cross-border travel restrictions, and students temporarily unable to sit in-person exams due to illness (with a minimum prognosis of 30 days, and provided that the Medical Commission of the University has authorised them to take the exam remotely).

As regards exams proctored with Proctorio, data processing is based on the student’s explicit and voluntary consent and applies only to the following exams:

- Additional learning requirements (OFA)
- Language assessment tests (SLAM)
- Computer skills (3 CFU/ECTS): only for students on international mobility programmes, students residing in countries with health or cross-border travel restrictions, and students temporarily unable to sit in-person exams due to illness (with a minimum prognosis of 30 days, and provided that the Medical Commission of the University has authorised them to take the exam remotely).

This is without prejudice to compliance by the University with the legislation in force on transparency and on the compulsory disclosure of data and documents.

1. Data Controller and Data Protection Officer (DPO)

The Data Controller is the University of Milan, represented by the Rector *pro tempore* (Via Festa del Perdono 7, 20122 Milan, email address: supportodpo@unimi.it).

In accordance with Articles 37 et seq. of Regulation (EU) 2016/679, the University has appointed Pierluigi Perri (Department “Cesare Beccaria”, Via Festa del Perdono 3, 20122 Milan, email address: dpo@unimi.it) as Data Protection Officer (DPO).

2. Purposes and legal basis for data processing

Personal data subject to processing

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|---|
| a) Written exams via Moodle + SEB and, for exams taken remotely, Webconference
Written exams via Exam.net + SEB and, for exams taken remotely, Webconference
Paper-based exams and, for exams taken remotely, Webconference |
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- Data needed to identify users when they access the exam platform (biographic and contact data, IP address of the device); list of accesses with the corresponding date, time and duration of the connection;
- Data regarding the exam process, for example data on the hardware and software characteristics of the student’s device, data used to identify the most appropriate tools to help students with disabilities or specific

learning disorders; audio and video recordings of the student and the room in which he/she is taking the exam; data pertaining to the exam (answers given and grades).

- Any other data communicated or otherwise made available by the student during the exam.

b) Written exams administered via Moodle + Proctorio

- All categories of data listed under a)

- User's data acquired via video recordings and used to invigilate exams.

These data are processed exclusively to pursue the institutional purposes of the University with regard to exams.

The legal basis for processing is consent (Art. 6(1)(e) of the GDPR), freely given by the student who has voluntarily decided to sit the exam remotely. For exams administered via Moodle + Proctorio, students are also asked to provide another specific consent within the exam environment.

In accordance with Recital 32 of the GDPR, students give their consent when they first access the platform, by ticking an ad-hoc box. By doing so, they also state that they have read both the information on the processing of personal data and the Exam Guidelines and Recommendations, whose goal is to facilitate appropriate student behaviour with a view to prevent breaches in the student's private sphere. Students have to give consent to the provision of data in order to access the exam.

3. Means of data processing

Data are collected in accordance with the principles of relevance, completeness and limitation to what is necessary in relation to the purposes for which they are processed.

The personal data collected are processed in accordance with the principles of lawfulness, fairness and transparency established in Article 5 of the GDPR, also by using ICT tools to store and manage said data, and in any case in such a manner to guarantee data security and maintain confidentiality.

The University ensures adequate security of personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

4. Categories of parties to whom data may be disclosed and possible cross-border transfer of data

Personal data of users accessing the platforms, as collected during the exam, may be processed by the exam instructor and by the employees and contract staff of the University offices and divisions in charge of remote services, information security, exams and student records (CTU, ICT Division, Student Registrar Division, COSP). These individuals are to be considered as persons authorised to process data.

With regard to exams administered via Moodle + Proctorio, data collected during the exam, with the exception of the special categories of data, may be processed by the University staff in charge of remote services (CTU and ICT Division), information security, exam and student records. These individuals are to be considered as persons authorised to process data. Data may also be communicated to the platform provider for the sole purpose of storing the recordings, without the provider being able to access such recordings or perform any kind of processing. Moreover, the University reserves the right to disclose data to law enforcement authorities and other public bodies for the purposes of defence, State security and criminal investigations, where data are requested by such bodies in accordance with the law, as well as to the judicial authorities in compliance with legal obligations, where criminal offences are suspected.

Only for the purpose of providing technical support, personal data regarding the students' accesses to the exam environment, the exams taken and the exam questions may be processed by third parties identified as Data Processors.

In this case, the technical support staff, after obtaining the student's consent, may access the student's computer remotely, but only to provide the technical support requested and strictly as necessary for this purpose.

Other than in the above cases, personal data will not be communicated or circulated to third parties.

Personal data of the data subjects are transferred to third countries for which an adequacy decision is in force, or to Data Processors that have provided appropriate safeguards as per Art. 46 of the GDPR.

5. Data retention

Personal data will be stored for as long as necessary to ensure the integrity of the exam and to allow for the exam to be entered in the student's record. The retention period may be extended in the event of serious breaches of the exam rules, but only for as long as necessary to take appropriate measures in this regard.

For exams administered via Moodle + Proctorio, data will be stored for no longer than 30 days from the date of the recordings, to make sure that students have complied with all exam rules. After that, data will be deleted automatically.

Data will be retained for a longer time only if the system detects suspicious behaviours. In this case, data will be retained for as long as necessary for the data subject to submit his/her comments. Recordings may not be disseminated by anyone or by any means.

6. Rights of the data subject

Pursuant to Art. 15 to 22 of the GDPR, should all conditions be met, the data subject may exercise his or her right to request from the Controller: i) access to, ii) rectification or iii) erasure of personal data relating to him or her, iv) restrictions on processing. To exercise such rights, the data subject shall contact the Data Protection Officer (Via Festa del Perdono 7, 20122 Milan – email: dpo@unimi.it).

7. Right to object

Pursuant to Art. 21, paragraph 1, of the GDPR, the data subject may object, on grounds relating to his or her particular situation, at any time to processing of personal data concerning him or her which is based on point (e) of Art. 6(1), i.e. when the legal basis of data processing is the performance of a task carried out in the public interest. To exercise such right to object, the data subject shall write to: Responsabile della Protezione dei Dati [Data Protection Officer], via Festa del Perdono 7, 20122 Milan - e-mail: dpo@unimi.it.

8. Right to lodge a complaint with a supervisory authority or a judicial authority

The data subject has a right to lodge a complaint with a supervisory authority in his/her country of residence, or with any supervisory authority within the European Union.

Alternatively, the data subject has a right to lodge a complaint with the competent judicial authority.

9. Amendments to this information

This information may be amended in the future. Please check the Privacy section of the website <http://www.unimi.it> on a regular basis, to make sure that you are referring to the most updated version of this policy.

The Rector
Elio Franzini