

INFORMATION ON THE PROCESSING OF PERSONAL DATA IN ONLINE EVALUATION OF LEARNING OUTCOMES

Due to the situation caused by the evolution of COVID-19, we have adapted the procedure to assess learning outcomes to the virtual environment with the approval of a set of regulations on the assessment of learning outcomes online, where the model established at the University of Alicante is adopted. In accordance with these regulations — without being binding — and following the provisions of the Report on initiatives and tools for university online assessment in the context of Covid-19 (Ministry of Universities, 15/04/2020), in the Guide on the protection of personal data in the university setting in times of COVID-19 (CRUE, 24/04/2020), and in the Report on the regulatory impact of online assessment procedures: student data protection and guarantee of their rights, drawn up by representatives of the sectoral committees CRUE-Student Affairs, CRUE-Teaching Affairs, CRUE-ICT and CRUE-Registrar Offices. Therefore, for the purposes of adequately complying with the legal obligation of transparency in relation to the processing of data in the online assessment of learning outcomes, the following information is provided:

1. Privacy of the academic staff and students.

The capture of images during an online assessment test cannot affect, even incidentally, private and family life to the extent that it occurs in a domestic setting. In this sense, it is necessary to ensure that the display of the image in real time in this setting is carried out within a judgement of proportionality and complying with certain guarantees and safeguards. Thus, it is advisable that both teachers and students are informed so that they can ensure that the following guidelines are applied:

- Only the platforms recommended by the University of Alicante will be used.
- The use of such platforms will be carried out on the device that the user considers appropriate, as long as the capture of images is limited to the purpose of managing the evaluation process.
- The use of facial recognition or video surveillance techniques is ruled out. In particular, the use of the mobile terminal as an additional second camera for video surveillance shall be prohibited.
- Students and teachers must ensure that the examination takes place in a space free of interference from third parties and guarantee that they will not have access to the room. A neutral environment will be provided, so that the conditions of integrity of the environment will be the exclusive responsibility of each person.
- Students will be responsible for informing the people with whom they live of these circumstances, and for recommending that they do not enter the room during the time the assessment test is being held.
- The University of Alicante will not be responsible for the incidental capture of images of third parties that could affect the privacy, image or honour of the people being viewed or recorded as a result of the assessment test.

- The prohibition of capturing images of third parties, either by the teaching staff or by other classmates during the evaluation process, without the corresponding authorisation.

2. Communication channel.

In the resolution of incidences and enquiries about the assessment test, the teaching staff will enable a synchronous communication channel with the students, where circumstances may arise that require the visualisation of some of the aspects of the exam.

3. Inappropriate behaviour.

Students must act co-responsibly within the University setting, refraining from using or cooperating in fraudulent procedures as the assessment tests are being held. A responsible and appropriate use of the online evaluation tools will be promoted, and fraudulent conduct will be avoided, which, where appropriate, will have the academic and disciplinary consequences foreseen in the regulations in force.

4. Intellectual property.

The recording of the oral assessment test will be managed by the teaching staff, and the University has the right to use it in accordance with the obligations derived from the Regulations on online assessment of learning outcomes. The recording of the test corresponds to the teaching staff responsible for the subject to be done on the platform used for the exam test and it is forbidden to capture of images and/or recording of the assessment test by the students, as well as to reproduce or broadcast it, in whole or in part, whatever the means or device used. Any improper action will result in a violation of the regulations in force, and the relevant legal responsibilities may be derived.

5. Data Protection.

This online evaluation procedure implies that, along with the processing of personal data for academic management, may incur in some cases other data related to:

- The display of the students' image to verify their identity by showing an identification.
- The recording of oral exams to guarantee the rights of students and the teaching staff.

In application of the current regulations on personal data protection, we inform the interested parties of the following information:

a) Who is responsible for the data processing?

The party responsible for the personal data processing is:

University of Alicante

VAT: Q-0332001-G

Postal address: Carretera San Vicente del Raspeig, S/N, 03690 San Vicente del Raspeig (Alicante).

University of Alicante Office of the Comptroller

Contact data: Gerencia@ua.es, Tel. 96.590.34.00, Fax: 96.590.34.64

If you have any questions regarding the processing of your data, please contact the Data Protection Officer at: dpd@ua.es

b) What personal data do we process and for what purpose?

The personal data collected are: identification data, images, and/or voice recording, academic and/or professional data.

Personal data is processed for the purpose of:

- managing viewing for verification of the student's identification for any assessment test.
- managing viewing and audiovisual recordings, and/or video/audio conference, in oral assessment tests.
- managing viewing of the final-year undergraduate project (FYUP) and the Master's final project (MFP)
- managing viewing for the revision of the online assessment test.

Similarly, if necessary, it would not be incompatible with this purpose to require the viewing of any of the aspects of the examination for the resolution of incidents and doubts about the assessment test through the communication channel enabled by the teaching staff for this purpose.

c) What is the legal basis for the processing of your data?

- Legitimacy of the processing of personal data is based on the legal relationship that connects teachers and students with the University of Alicante, as a result of the provision of higher education public service established in Articles 1 and 2 of the Organic Law 6/2001 of 21 December on Universities and Article 6.1.b) of the RGPD.
- Furthermore, this processing is based on the fulfilment of a legal obligation applicable to the data controller (art. 6.1.c) of the RGPD), as a consequence of the obligation to assume the online assessment agreed by the authorities in the exercise of the powers conferred on them by law.

- The accreditation of the students' identity is covered by article 6.1 c) of the RGPD and by article 6.1 e) of the RGPD. Likewise, showing the document accrediting identification, which may be required by the teaching staff at any time during the assessment tests, is legitimised by article 25.7 of the RD 1791/2010, of 30 December, which approves the University Student Statute.

d) What security measures do we apply to your data processing?

The University is responsible for applying the appropriate security measures and other obligations arising from the legislation on the protection of personal data in accordance with the National Security Scheme, Royal Decree 3/2010a.

In this sense, the University of Alicante Privacy Policy and an Information Security Policy can be consulted through its e-Services, in the section on regulations: <https://seuelectronica.ua.es/es/normativa.html>.

e) With whom will your data be communicated?

In the context of data processing, no transfer of data is envisaged.

Data processors: Providers of support services for the development of online teaching and assessment of learning outcomes.

f) What are your rights and how can you exercise them?

Users have the right to access their personal data, to request the correction of inaccurate data, to request its cancellation and deletion, to oppose its processing, including the creation of profiles, to limit the processing of data up to a certain date and to have the data transferred electronically.

To do so, a request must be submitted to the UA Comptroller's Office through its Registry Office, as established by Law 39/2015, of 1 October, on the Common Administrative Procedure of Public Administrations. The channels to submit applications can be in person through the University's registry offices established at <https://sar.ua.es/es/registro/> or electronically through the UA's eServices, accessible at <https://seuelectronica.ua.es/>.

Complaints can be lodged before the Spanish Data Protection Agency can be submitted through the mechanisms made available for this purpose. You may consult more information at www.aepd.es.

g) How long will we keep your data?

The University will process the personal data provided and will keep it for the time necessary to comply with the purpose for which it was collected. Evidence of the evaluation will be kept for the whole academic year and the two following academic years, and also for the time necessary to determine potential responsibilities that may arise from said purpose and from the processing of the data. The provisions of the regulations on Archives, Documentation and Historical Heritage will apply. The

recordings of the oral assessment tests must be kept for the same period of time as indicated in the regulations for the assessment of learning outcomes.

h) How we collect your data?

From the personal data that, within the framework of the data processing, has been collected by the University of Alicante from the information provided in the registration process and in the personal file by the university community members.

Any enquiries about the interpretation or application of the questions raised in the CRUE Guidelines on data protection, or any other question, can be submitted to dpd@ua.es.

Thanking you all in advance for the effort and collaboration of the university community.

Best regards.

University of Alicante Data Protection Officer.

(Appointment by a UA President's decision of 1 February 2019, BOUA of 21 February)

Alicante, 19 May 2020