

PRIVACY NOTICE TO STUDENTS ON ONLINE FINAL EXAMINATIONS
Supplement to the Student Information Sheet (<https://adatvedelem.elte.hu/tajekoztatok-sablonok>)

In accordance with Article 12 (1) of REGULATION (EU) 2016/679 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (henceforth: **GDPR**) Eötvös Loránd University informs you, as data subject, on the processing of your personal data during **online final examinations**.

Who is the Data Controller/Data Processor?

Data controller: Eötvös Loránd University
Egyetem tér 1-3.
H-1053 Budapest

Responsible department for exercising the rights and fulfilling the obligations: Faculty of Informatics,

Represented by Prof. Dr. Zoltán Horváth, Dean

Name and contact details (telephone, e-mail) of the contact person:

student administration officers of the Faculty of Informatics you keep contact with
(<https://www.inf.elte.hu/en/content/department-of-academic-and-international-relations.t.1113?m=173>)

Data processor: the supplier providing online connection

Purpose of the processing of data:

To invite students to exams on an online platform, to identify them, to conduct exams and to prevent misconduct at the exams, or to conduct exams in an alternative way (i.e. on another platform) if there should arise any technical problems.

Data processed by the University are as follows:

1. images
2. voice
3. other personal data that can be detected through an online connection
4. telephone/mobile numbers
5. identity documents
6. the student's environment (masking is not allowed)
7. the path to the alternative platform used by the student to provide simultaneous audio and video transmission (e.g. Skype, Viber or Messenger)
8. if the examinee is a registered student with special needs, the personal data of his/her assistant/helper (images, voice and other personal data that can be detected through an online connection)

Legal basis for the processing:

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 relevant legislation is Act CCIV of 2011 on National Higher Education.

You, as data subject, have the right to object, on grounds relating to your particular situation, at any time to the processing of personal data concerning you, including profiling¹. The controller shall no longer process your personal data unless the controller demonstrates compelling legitimate grounds for the processing which override the interests, rights and freedoms of the data subject or if the processing is related to the establishment, exercise or defence of legal claims.

Duration of processing your data:

During the exam. Exams cannot be recorded.

The path to the alternative platform used by the student to provide simultaneous audio and video transmission (e.g. Skype, Viber or Messenger) is processed until the end of the final examination period.

¹ 'profiling' (acc. to Article 4 GDPR) means any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to a natural person, in particular to analyse or predict aspects concerning that natural person's performance at work, his/her economic situation, health, personal preferences, interests, reliability, behaviour, location or movements.

Your rights are as follows (for a detailed explanation see the Appendix to this document):

1. **Right to transparent information, communication and modalities for the exercise of the rights of the data subject** – In this privacy notice the controller provides information about the circumstances of data processing, e.g. the data controller, the purposes, the legal basis and the duration of data processing, enforceable data subject rights, complaint procedures and available legal remedies for data subjects;
2. **Right of access by the data subject** – You have the right to obtain from the controller confirmation as to whether or not personal data concerning you are being processed; the controller shall provide complete information and a copy of the personal data undergoing processing;
3. **Right to rectification** – You have the right to obtain from the controller the rectification of inaccurate personal data concerning you, and you also have the right to have incomplete personal data completed;
4. **Right to erasure ('right to be forgotten')** – You can ask the controller to erase your personal data;
5. **Right to restriction of processing** – If you request (e.g. in order to file, enforce or defend legal claims), your personal data cannot be processed in any way with the exception of storage;
6. **Notification obligation regarding rectification or erasure of personal data or restriction of processing** – Upon request, we inform you about the recipients to whom your personal data have been disclosed;
7. **Right to data portability** – You have the right to receive your personal data which you have provided to a controller, in a structured, commonly used and machine-readable format and you have the right to transmit those data to another controller. This right applies only to data processed under consent or a contract provided the processing is conducted by automated means.
8. **Right to object** – You can object, at any time to the processing of your personal data unless the processing is based on a legitimate interest pursued by the controller or by a third party or 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;
9. **Right not to be subject to a decision based solely on automated processing** – You can request that you shall not be subject to such a decision. Tell us if you are concerned! This right is not relevant if this privacy notice does not contain information about automated decision-making.
10. **Right to legal remedy** – If you consider your rights have been infringed, you can turn to the data protection officer at ELTE or to the National Authority for Data Protection and Freedom of Information, or you can file a lawsuit in court.

If you have questions or you are seeking judicial remedy, you can contact:

Data Protection Officer of the University:
Data Protection and Strategic Data Management Office
1053 Budapest, Ferenciek tere 6.
Tel.: +3614116500/2855
Email: adatvedelem@rk.elte.hu

National Authority for Data Protection and Freedom of Information (NAIH)
1125 Budapest, Szilágyi Erzsébet fasor 22/c.
www.naih.hu
Tel.: +36-1-391-1400

The court:
You can sue for a claim according to your place of residence.

APPENDIX

Details concerning the rights of data subjects

To know the data management rights and remedies of **the data subject (hereinafter referred to as the data subject)** is important because the data controller handles personal data. '**Personal data**' means any information that is suitable for identifying a 'data subject'; thus, personal data does not only include a name or an identification number, but any data referring to the physical, mental etc. identity of that data subject (Article 4 of GDPR).²

Data subjects may contact the controller with regard to all issues related to the exercise of their rights under GDPR. The controller shall provide information on actions taken on a request to the data subject without undue delay and in any event within one month of receipt of the request. That period may be extended by two further months where necessary, taking into account the complexity and number of the requests. The controller shall inform the data subject of any such extension within one month of receipt of the request, together with the reasons for the delay. Where the data subject makes the request by electronic form means, the information shall be provided by electronic means where possible, unless otherwise requested by the data subject.

You can read a detailed description of the rights of the data subject below:

1. Right to transparent information and communication (Article 12-14 of GDPR)

With this information sheet, the controller provides information about the circumstances of data processing, e.g. the data controller, the data protection officer, the purposes, the legal basis and duration of data processing, enforceable data subject rights, complaint procedures and available legal remedies as well as about the source of the data if they do not originate from the data subject.

Upon the data subject's request, further detailed oral information may be provided if the data subject proves his or her identity.

2. Right of access by the data subject (Article 15 of GDPR)

The data subject may request the controller to provide him or her access to the personal data concerning him or her, including a copy of the personal data which are the subject of the data processing. The data subject has the right to obtain from the controller confirmation as to whether or not personal data concerning him or her are being processed, and, where that is the case, has the right to access the personal data and the following information:

- (a) the purposes of the processing;
- (b) the categories of personal data concerned;
- (c) the recipients or categories of recipients to whom the personal data have been or will be disclosed, in particular recipients in third countries or international organisations;
- (d) where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;
- (e) the existence of the right to request from the controller rectification or erasure of personal data or restriction of processing of personal data concerning the data subject, or to object to such processing;
- (f) the right to lodge a complaint with a supervisory authority;
- (g) where the personal data are not collected from the data subject, any available information as to their source;
- (h) the existence of automated decision-making, including profiling, and – at least in those cases – meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.

3. Right to rectification (Article 16 of GDPR)

The data subject shall have the right to obtain from the controller without undue delay the rectification of inaccurate personal data concerning him or her. Taking into account the purposes of the processing, the data subject shall have the right to have incomplete personal data completed, including by means of providing a supplementary statement.

² **personal data** (Section 1 Article 4 of GDPR): means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one that can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

4. Right to erasure ('right to be forgotten') (Article 17 of GDPR)

The personal data shall be erased if

1. the purposes of the data processing have ceased to exist;
2. the data subject withdraws consent on which the processing is based, and where there are no other legal grounds for the processing;
3. the data subject objects to the processing of personal data and there are no overriding legitimate grounds for the processing (such as a legitimate interest pursued by the controller or by a third party or a task carried out in the public interest or in an exercise of official authority);
4. the personal data have been unlawfully processed;
5. the personal data have to be erased for compliance with a legal obligation in Union or Member State law to which the controller is subject;
6. the personal data have been collected in relation to services related to the information society, directly offered to children.

5. Right to restriction of processing (Article 18 of GDPR)

Upon request of the data subject, the controller will restrict data processing where one of the following applies:

1. the accuracy of the personal data is contested by the data subject;
2. the processing is unlawful and the data subject opposes the erasure of the personal data;
3. the controller no longer needs the personal data for the purposes of the processing, but they are required by the data subject for the establishment, exercise or defence of legal claims;
4. the data subject has objected to the processing of personal data which is carried out for a legitimate interest pursued by the controller or by a third party; or for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

6. Notification obligation regarding rectification or erasure of personal data or restriction of processing (Article 19 of GDPR)

The controller shall communicate any rectification or erasure of personal data or restriction of processing carried out, to each recipient to whom the personal data have been disclosed, unless this proves impossible or involves disproportionate effort. The controller shall inform the data subject about those recipients if the data subject requests it.

7. Right to data portability (Article 20 of GDPR)

The data subject shall have the right to receive the personal data concerning him or her, which he or she has provided to the controller, in a structured, commonly used and machine-readable format and has the right to transmit those data to another controller without hindrance from the controller to which the personal data have been provided, where:

- (a) the processing is based on consent or on a contract; and
- (b) the processing is carried out by automated means.

In exercising his or her right to data portability, the data subject shall have the right to have the personal data transmitted directly from one controller to another, where technically feasible.

The exercise of this right shall be without prejudice to the right to be forgotten.

8. Right to object (Article 21 of GDPR)

The data subject shall have the right to object, on grounds relating to his or her particular situation, at any time to the processing of personal data concerning him or her unless the processing is carried out for a) a legitimate interest pursued by the controller or by a third party or b) the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller, including profiling³ based on those provisions. The controller shall no longer process the personal data unless the controller demonstrates compelling legitimate grounds for the processing which override the interests, rights and freedoms of the data subject or if the processing is conducted for the establishment, exercise or defence of legal claims.

³ Article 4 of GDPR: 'profiling' means any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to a natural person, in particular to analyse or predict aspects concerning that natural person's performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements;

9. Data subjects' rights during automated decision-making (Article 22 of GDPR)

The data subject shall have the right not to be subject to a decision based solely on automated processing – including profiling – which produces legal effects concerning him or her, or similarly significantly affects him or her.

This provision shall not apply if the decision:

- (a) is necessary for entering into, or performing a contract between the data subject and the data controller;
- (b) is authorised by Union or Member State law to which the controller is subject and which also lays down suitable measures to safeguard the data subject's rights and freedoms, and legitimate interests; or
- (c) is based on the data subject's explicit consent.

In this case, the data controller shall implement suitable measures to safeguard the data subject's rights and freedoms, and legitimate interests, at least the right to obtain human intervention on the part of the controller, to express his or her point of view, and to contest the decision.

10. Legal remedy – alternative possibilities

10.1. Data protection officer (Article 38-39 of GDPR)

Data subjects may contact the data protection officer with regard to all issues related to the processing of their personal data and to the exercise of their rights under GDPR. (Article 38 (4) of GDPR)

If the controller does not take actions on the request of the data subject, the controller shall inform the data subject without delay or within one month of receipt of the request at the latest of the reasons for not taking actions and on the possibility of lodging a complaint with a supervisory authority and seeking a judicial remedy. (Article 12 (4) of GDPR)

10.2. Procedures of the National Authority for Data Protection and Freedom of Information (Articles 57 and 77 of GDPR; Sections 51/A (1), 52-54, 55 (1)-(2) and 56-58 of the InfoAct⁴)

It is possible for anyone (not only for the data subject) to initiate an investigation or a data protection authority procedure with the National Authority for Data Protection and Freedom of Information on the grounds that a breach of law has occurred or is imminent in connection with the processing of personal data..

It is important that the notification shall not be anonymous; otherwise the Authority may reject the notification without a substantive examination. Further grounds for rejection can be found in Section 53 of the InfoAct.

The investigation by the Authority is free of charge, and the costs of the investigation are advanced and borne by the Authority. The detailed rules for conducting the procedure are set out in Section 54, Section 55 Paragraphs (1) - (2), and Sections 56-58 of the InfoAct.

As a general rule, the Authority shall take a decision within two months of receipt of the notification.

10.3. Right to an effective judicial remedy (Article 79 of GDPR and Section 23 of the InfoAct)

Without prejudice to any available administrative or non-judicial remedy, including the right to lodge a complaint with a supervisory authority, each data subject has the right to an effective judicial remedy where he or she considers that his or her rights under GDPR have been infringed as a result of the processing of his or her personal data in non-compliance with GDPR. (See above.)

Proceedings against a controller or a processor shall be brought before the courts of the Member State where the controller or processor has an establishment. Alternatively, such proceedings may be brought before the courts of the Member State where the data subject has his or her habitual residence, unless the controller or processor is a public authority of a Member State acting in the exercise of its public powers.

In Hungary, according to the decision of the data subject, a lawsuit may also be initiated at the court of the data subject's place of residence or stay.

The data subject may seek compensation in a civil suit for damages from the data controller:

- if the data controller causes tort or damage to a person by unlawfully processing the data subject's data or by violating data security requirements, he or she is obliged to compensate for it;
- if the controller infringes the data subject's rights relating to personality by unlawfully processing his or her data or by violating data security requirements (e.g. by publishing personal data or disclosing them to an unauthorized person), the data subject may claim damages from the data controller.

⁴ Act CXII of 2011 on the Right of Informational Self-Determination and on Freedom of Information