Proctorio GmbH, Bahnhofstraße 18, 85774 Unterföhring (“Proctorio,” “we,” “our,” “us”) thanks you for visiting proctorio.com, our Internet website.

Note: We provide the Solution as processors and process your Personal Data on behalf of your institution, university, college, school, or organization (collectively, “Institution”). Your Institution will make available a separate privacy notice as controller of your Personal Data. The following privacy notice (“Privacy Notice”) describes the Personal Data which we usually collect, process and share on behalf of the Institution in the context of taking your exam/test via the Proctorio Secure Exam Solution ("Solution"). It does not describe features of the Solution which we specifically tailored for your Institution. This Privacy Notice also explains your ability to edit, update, correct, or delete such Personal Data; and the security procedures that we have implemented. This Privacy Notice takes precedence over any promotional materials, data sheets, terms and conditions or other documentation that the Institution may make available to you to the extent they contradict.

1. Controller.

In respect of your Personal Data, the Institution is the “data controller” responsible for that information.

If you have any questions or comments about this Privacy Notice, please contact your Institution.

2. Categories of Personal Data and processing purposes.

Identification and account administration (purpose 1): When signing into your Institution’s internal system (e.g., the learning management system) you may take a proctored examination by using the Solution. As part of the identification process prior to the proctored exam we (on behalf of your Institution) may collect and process the following data about you: Your full name, your postal address including your street and number, city, zip code, the date/time of your proctored examination, your email address, your country, student identification number with your Institution and subject of your proctored examination. This Personal Data will also be used to manage and administrate your account.

Proctored exam and academic integrity (purpose 2): As part of the proctored exam and to ensure that you uphold academic integrity, we (on behalf of your Institution) may collect and process the following Personal Data about you: Exam topic and content, your answers, video footage of you and your surrounding and language and version of the browser software.

Quality management and customer care (purpose 3): We (on behalf of your Institution) also process session information (such as download errors and page response times) to improve the quality and services of the Solution, and if you make any enquiry, the nature of the enquiry (e.g., as tick box selection from service type/careers/other) and your message will also be collected and processed to respond to it and to provide customer care services.

Law and Harm (purpose 4): All your Personal Data may be processed to comply with legal obligations, conduct security and fraud prevention and defend, establish and exercise legal claims.

Additionally, you may provide your Institution with further information on a voluntary basis during your time at your Institution.

3. Legal basis for the processing.

Your Institution typically carries out the processing of your Personal Data on the following legal basis:

- The processing is necessary to evaluate your performance at the Institution for the performance of a contract (Art. 6 (1) (b) of the General Data Protection Regulation ("GDPR") for purposes 1 and 2);
- The processing is necessary for compliance with a legal obligation to which your Institution is subject to (Art. 6 (1) (c) GDPR for purpose 4);
• The processing is necessary for the purposes of the legitimate interests pursued by your Institution or by a third party (Art. 6 (1)(f) GDPR for purpose 3), namely to provide you with the option to use the Solution for the purpose of developing, testing, enhancing and modifying the Solution and system troubleshooting, except where such interests are overridden by the interests or fundamental rights and freedoms of you which require protection of Personal Data (Art. 6 (1)(f) GDPR. Additional information on this legal basis and the respective balancing of interests can be requested by contacting your Institution.

If you have questions about or need further information concerning the legal basis on which your Institution collects and uses your Personal Data, please contact your Institution.

The provision of your Personal Data is not required by a statutory or contractual obligation and is voluntary for you. However, it is necessary to take your proctored examination or responding to your request.

Not providing your Personal Data may likely result in disadvantages for you, e.g. you may not be able to take your proctored examination or to receive the services requested by you. However, unless otherwise specified, not providing your Personal Data will not result in legal consequences for you.


Third parties: The Institution may disclose - in compliance with applicable data protection law- Personal Data to law enforcement agencies, governmental authorities, legal counsel, external consultants, or business partners if your Institution believes that it is necessary to comply with a law, regulation or legal request and to address fraud or security issues. In case of a corporate merger and acquisition, Personal Data will be transferred to the third parties being involved in the merger and acquisition in accordance with applicable law.

Proctorio: Your Institution involves us. We act as processor of your Institution and process Personal Data on its behalf to verify your identity, to conduct the proctored examination, to ensure that you uphold academic integrity, to manage and administrate your account relating to the Solution, to improve the quality and services of the Solution (i.e., “product development”), to get in contact with you concerning your queries and to conduct security and fraud prevention regarding the Solution.

When providing some of these services, (e.g. verifying your identity, contacting you concerning your queries) Proctorio has access to and processes your Personal Data. In addition, Proctorio may use certain De-Identified Data for identifying trends; or for statistics, security, or research purposes. “De-Identified Data” is data Proctorio creates from collected data by removing all direct and indirect personal identifiers including name and location information. Proctorio agrees not to attempt to re-identify De-Identified Data and not to transfer De-Identified Data unless that party agrees not to attempt re-identification.

Your Institution has requested Proctorio to implement and apply security safeguards to ensure the privacy and security of your Personal Data as part of the data processing agreement (Art. 28 GDPR) signed with Proctorio.

If Proctorio is involved in a bankruptcy, merger, acquisition, reorganization or sale of assets, your Personal Data may be sold or transferred as part of that transaction. The promises in this Privacy Notice will apply to your Personal Data as transferred to the new entity, our new service provider.

Proctorio does not store unencrypted student academic records, and accordingly does not have any ability to edit, revise, or delete any student Personal Data contained in student records.

International transfers of Personal Data: Proctorio processes your personal data exclusively within the EEA. Your personal data is hosted in data centers in Amsterdam/Frankfurt.

5. Your rights and how to assert your rights?

Pursuant to the applicable law you normally have the following rights to the extent the GDPR applies:

Right of access: You have the right to obtain from your Institution confirmation as to whether or not Personal Data concerning you is being processed, and, where that is the case, to request access to the Personal Data. The access information includes – inter alia – the purposes.
of the processing, the categories of Personal Data concerned, and the recipients or categories of recipient to whom the Personal Data have been or will be disclosed.

You have the right to obtain a copy of the Personal Data undergoing processing. For further copies requested by you, your Institution may charge a reasonable fee based on administrative costs.

**Right to rectification:** You have the right to obtain from your Institution the rectification of inaccurate Personal Data concerning you. Depending on the purposes of the processing, you have the right to have incomplete Personal Data completed, including by means of providing a supplementary statement.

**Right to erasure (right to be forgotten):** You have the right to obtain from your Institution the erasure of Personal Data concerning you and your Institution is obliged to erase such Personal Data.

**Right to restriction of processing:** You have the right to obtain from us restriction of processing your Personal Data. In this case, the respective data will be marked and only be processed by us for certain purposes.

**Right to data portability:** You have the right to receive the Personal Data concerning you, which you have provided to us, in a structured, commonly used and machine-readable format and you have the right to transmit those data to another entity without hindrance from us.

Please note that the aforementioned rights might be limited under the applicable national data protection law.

To exercise your rights please contact your Institution.

You have a right to raise questions or complaints with your local data protection authority at any time.

**6. How long does your Institution do we keep your Personal Data?**

Your Personal Data will be retained as long as necessary to prove that you have taken your exam. Once you end your studies with your Institution and/or you have deleted your account, your Institution will either delete or anonymize your Personal Data, unless statutory retention requirements apply (such as for taxation purposes) or in order to fulfill regulatory requirements. Your Institution and we also retain your Personal Data if it needs your Personal Data to establish, exercise or defend a legal claim, on a need to know basis only. To the extent possible, Your Institution will restrict the processing of your Personal Data for such limited purposes after the termination of the contractual relationship.

Proctorio will retain your data for six months by active data retention and for one year by cold storage. After that Proctorio will destroy the Personal Data, or deliver it to your Institution.

**7. Security.**

As technology continues to enhance and expand the collection of Personal Data of all kinds, we are committed to using our technological resources in an effort to ensure that you receive the kind of privacy protection that will make you confident and secure.

Proctorio employs procedural and technological security measures that are reasonably designed to help protect your Personal Data from loss, unauthorized access, disclosure, alteration or destruction, which includes encryption and other security measures to help prevent unauthorized access to your Personal Data. Your Personal Data from the exam is stored in an encrypted form and can only be accessed by your institution.
Proctorio conducts daily security audits including penetration testing and vulnerability assessments. Your Institution may review security testing results or conduct its own security audit of Proctorio’s data security and storage practices.

Proctorio is committed to maintaining the security and confidentiality of your Personal Data. Towards this end, we take the following actions: (a) we limit employee access to your information to only those employees who need the information to fulfill their job responsibilities; (b) we conduct regular employee privacy and data security training and education; and (c) we protect your information with technical, contractual, administrative, and physical security safeguards in order to protect against unauthorized access, release or use.

8. Modifications to this Privacy Notice.

Proctorio reserves the right to change this Privacy Notice at any time. Any changes to this Privacy Notice will be effective immediately upon notice, which will be provided to you by posting the latest version on the Proctorio Website. If the changes to the Privacy Notice require your consent, you will be contacted. Please be reminded that the privacy notice of your Institution is not affected by this change or update.

Effective: 01.01.2020