

Regulations

on the Protection of Personal Data in the Case of Multimedia

Use of E-Learning Procedures at RWTH

Aachen University

Dated September 30, 2015

Please note: This publication is an English translation. Only the German original of these regulations as published in the Official Announcements of RWTH Aachen University (“Amtliche Bekanntmachungen”) is legally binding.

Based on §§ 2 (4) and 22 (1) of the Higher Education Act of the State of North Rhine-Westphalia (Hochschulgesetz; HG) in the version of Article 1 of the Future of Higher Education Act of North Rhine-Westphalia of September 16, 2014 (Law and Official Gazette of the State of North Rhine-Westphalia p. 547) RWTH Aachen University has issued the following regulations:

§ 1 Scope of Application

- (1) This regulation applies to the processing of personal data of users of e-learning procedures used at RWTH Aachen University for the provision of academic education. Copyright issues are excluded from the scope of these regulations.
- (2) Where a single operation of processing of personal data takes place at least also for the purposes of e-learning, the provisions of these regulations shall also apply to that operation.

§ 2 Definition of Terms

For the purposes of these regulations,

1. personal data consists of individual information about personal or factual circumstances of an identified or identifiable natural person (data subject), § 3 (1) DSGVO NRW.
2. e-learning procedures are networked learning, teaching and testing procedures used at RWTH Aachen University, which collect, process and use personal data for the purpose of academic education and aim to promote the learning of the users and to enable the completion of modules (exercises or preliminary examinations). This includes in particular the teaching and learning platforms offered by the University. E-tests are governed by the examination regulations applicable to the respective degree program.
3. users are teachers, students, cross-registered students within the meaning of § 11 of the Enrollment Regulations and guest students within the meaning of § 12 of the Enrollment Regulations who use e-learning procedures.
4. all the University departments which provide e-learning procedures as defined in Number 2 or arrange access to their use are responsible parties for e-learning procedures.
5. data processing procedures are the collection, storage, alteration, transmission, blocking, deletion, and use of personal data, § 3 Paragraph 2 DSGVO NRW.

§ 3 Principles

- (1) Responsible parties may process personal data of users when using e-learning procedures, insofar as this regulation or another legal provision expressly permits this. Personal data of users may only be made accessible to members of the University or participants in a course or to the responsible parties for the e-learning procedure if this is necessary to achieve the purpose of the specific e-learning procedure.
- (2) The use of e-learning procedures must be geared to the objective of collecting and processing as little personal data as possible, § 4 (2) DSGVO NRW.

§ 4 Obligations of the Responsible Parties

- (1) For each e-learning procedure, the responsible parties must describe the nature, scope and purposes of the processing of personal data as well as the rights of the parties involved in a brief, generally comprehensible data protection concept. They must make the data protection concept available to users before they register for an e-learning procedure and keep it available at all times until the e-learning procedure has been completed.
- (2) The responsible parties shall enable the use of the e-learning procedure anonymously or under a pseudonym, insofar as this does not contradict the purposes stated in § 2 Number 2 and is technically possible and reasonable.

§ 5 Inventory Data

The responsible parties may only process personal data of users such as name, address, matriculation number, course of study, semester of study or email address if they are required for registration or for the use of e-learning procedures at RWTH Aachen University.

§ 6 Usage Data

- (1) The responsible parties may process personal data of users, such as in particular user identification, information on the beginning and end as well as the extent of the respective use, or information on the individual e-learning procedures used by the users, only to the extent that this is necessary for the use of these procedures.
- (2) The responsible parties may merge the usage data of users on the use of different e-learning procedures, insofar as this is necessary for the purposes specified in § 2 Number 2.

§ 7 Content Data

The responsible parties may process communication contents of any kind of the users, regardless of copyright regulations, as far as this is necessary for the purposes mentioned in § 2 Number 2.

§ 8 Research

- (1) The responsible parties may only process the data specified in §§ 5 to 7 insofar as this is necessary for the purpose of optimizing teaching and learning offers and insofar as the interests of users worthy of protection are not impaired due to the nature of the data, their disclosure or the way in which they are used.

- (2) The processing of personal data concerning the course of study, gender, nationality, or educational background of users is only permitted for e-learning purposes and for the purpose stated in Paragraph 1 and only on the basis of the express consent of the users concerned.
- (3) The data is processed in pseudonymous form.
- (4) The transmission of the data referred to in Paragraphs 1 and 2 to other bodies shall be for research purposes only and shall be anonymous.

§ 9

Recording and Broadcasting of Courses

Recording and simultaneous or delayed transmission of a course is permissible if this is required by the educational mandate of the University. Participants must be informed about the type and form of recording and broadcasting of a course prior to the recording. Any use outside the University's internal platforms requires the consent of the teacher.

§ 10

Requirements for Module Components (Exercises or Preliminary Examinations)

Each automatically generated assessment of a module (exercise or preliminary examination) must be checked by a corrector upon application by the student concerned to the relevant examination board. Electronic module components (exercises or preliminary examinations) must be provided with an electronically signed time stamp immediately after submission.

§ 11

Consent

- (1) Consents within the scope of these regulations are only effective if they are based on the free decision of the user. They shall be informed of the intended purpose of the processing and, where necessary, of the consequences of refusing consent. Consent must be given in writing, unless another form is appropriate due to special circumstances. If the consent is to be given in writing together with other declarations, it must be specially highlighted.
- (2) The written form shall be replaced by the electronic form if the responsible parties ensure that the users have given their consent consciously and unambiguously, that the consent is recorded, that the users can retrieve the content of the consent at any time and that they can revoke it at any time with effect for the future. If users have withdrawn their consent, their personal data must be deleted or made anonymous, unless regulations require their continued storage. If the deletion or anonymization means that it is no longer possible to assess a module (exercise or preliminary examination), the users must be informed of this before the deletion or anonymization takes place. Participation in a course may not be made dependent on the consent of the users to the use of their data for other purposes.

§ 12 Storage Periods

- (1) The inventory data mentioned in § 5 shall be stored until de-registration. At the request of the user, this data can also be deleted earlier. Inventory data of cross-registered students and guest students according to §§ 11 and 12 of the enrollment regulations are to be stored for as long as they are allowed to attend courses at RWTH Aachen University.
- (2) The usage data specified in § 6 may be stored for as long as is necessary for the implementation of an e-learning procedure or for the provision of a module (exercise or preliminary examination) or for the purpose specified in § 8 Paragraph 1. They shall be deleted no later than five years after the respective e-learning procedure was used.
- (3) The content data referred to in §§ 7 and 9 shall be deleted no later than five years after the the respective e-learning procedure was used.

§ 13 Data Security

- (1) The responsible parties shall take the necessary technical and organizational measures to protect the data collected and used on the basis of these regulations against misuse. Measures are necessary if they are required by the purpose of the specific e-learning procedure and their effort is in a reasonable proportion to the protective purpose pursued.
- (2) Insofar as this is necessary according to the data protection concept of the respective e-learning procedure, measures shall be taken in particular which are suitable to ensure that
 1. the purpose limitation of collected data is granted
 2. only authorized persons can access the data subject to their access authorization and personal data cannot be read, copied, modified, or deleted without authorization,
 3. it can be subsequently verified and established whether and by whom personal data have been entered into data processing systems, whether they have been modified or deleted, and to which bodies they have been disclosed,
 4. personal data is protected against accidental destruction or loss.

§ 14 Entry Into Force

These regulations are published in the Official Announcements of RWTH Aachen University. They shall enter into force on the day following their publication.

Issued based on the decision of the Senate dated July 16, 2015.

Rector
of RWTH
Aachen University

sgd. Schmachtenberg

Aachen, dated September 30, 2015

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