

EXAMINATIONS WITH THE GOETHE- INSTITUT

DATA PROTECTION INFORMATION FOR ONLINE GERMAN EXAMINATIONS

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Data protection information relating to online German examinations

The Goethe-Institut also offers online German examinations (abbreviated in German as “ODP”) as an alternative to face-to-face examinations. If you are interested in a face-to-face examination, please contact your local Goethe-Institut office.

In the following, we would like to inform you about the data processing that takes place during an online German examination in accordance with Art. 13 GDPR.

The Goethe-Institut e.V., Oskar-von-Miller-Ring 18, 80333 Munich (“Goethe-Institut” or “we”) is understood as the data controller responsible for processing within the meaning of Art. 13 (1) lit. a GDPR. You can reach the company data protection officer at

Goethe-Institut e.V.
Oskar-von-Miller-Ring- 18
80999 München
datenschutz@goethe.de.

1. Purposes and legal basis of data processing

We use the following personal data for the following purposes as part of our implementation efforts for the online German examination:

a. Booking the online German examination in the Goethe Webshop

When looking to book an online German examination, you must first go to [Mein Goethe.de](https://www.mein-goethe.de) in order to register a user account. With regard to the data processing that takes place in this context, please refer to our [General Privacy Policy](#).

b. Setting up the online German examination software

After you have booked an examination, we will send you a confirmation of the booking by e-mail to the e-mail address you have provided.

The online German examination is performed using software from our professional service providers, which you must install and set up before the examination begins. When setting up this software, we will ask you to provide photographs of yourself and your ID card, as well as personal details with which you will be authenticated at the start of the examination.

In order to ensure that the online German examination services function smoothly, we will also transmit your contact details (name, e-mail address, telephone number) and your date of birth from your Mein Goethe.de account to these service providers, insofar as this is deemed necessary for subsequent authentication, and the prevention of attempted fraud. Should the connection to the service provider be lost during your examination, the service provider can use the contact details to contact you.

c. Authentication

Upon starting the examination, participants are asked to take and upload a picture of themselves and their ID card using the camera used during the examination. The invigilator shall then compare the images taken with the data and information provided and, if they match, authorises the participant to take the examination.

d. Determination of the technical prerequisites for the online German examination

Before the examination begins, various technical information from your system (e.g. device information from the loudspeaker, microphone and webcam, operating system, internet connection) shall be analysed, to determine whether this system fulfils the technical prerequisites of the online German examination.

e. 360° room check

At the start of the examination, participants shall be asked to perform a 360° room check, i.e. they must move the camera's angle of coverage so that the invigilator can see the entire examination environment.

The Goethe-Institut recommends that examination participants either cover (or remove from the examination environment) all private articles that could reveal information about them (e.g. documents addressed to them, symbols of faith, photos, etc.) before the room check is carried out.

If there is any suspicion of attempted cheating by examination participants, the 360° room check may have to be repeated at the invigilator's request.

f. Conducting the examination

During the examination, we record and process the examination participants' answers to the respective questions. These answers are used to assess the examination in accordance with the applicable Examination Guideline.

g. Monitoring during the examination

The security and integrity of the examination shall be ensured by the fact that the participants are continuously monitored by video and audio recordings. To this end, the examination participant must grant the employee monitoring the examination access to the recording functions of his/her system. The invigilator shall monitor the participants in this way throughout the examination.

Furthermore, the computer systems of the examination participants shall be monitored by the online German examination software. This involves recording the programmes and relevant log files (e.g. in network traffic) executed by examination participants in the system.

During the examination, examination participants must also allow the assigned member of staff to view the current visual display on their monitor using the "screen sharing" function for security purposes.

The data collected during the examination shall be transmitted in full to the examination service provider. Should you decide to utilise the customer support function of the examination service provider, the data collected will also be processed.

h. Oral examination

The SPEAKING part of the examination shall take place via a video conferencing tool in a separate appointment with 2 examiners from the Goethe-Institut and up to 2 examination participants. A 360° room check and authentication of the examination participants using a valid photo ID shall also be carried out during the video conference. The SPEAKING part of the examination is not recorded.

i. Review of records for possible fraud / quality management

The video and audio recordings shall be checked again after the examination, in order to ascertain whether an examination participant may have violated the conditions of the examination (in particular, attempts to cheat, attempts at unauthorised reading of the examination documents) and then processed further for investigation purposes if necessary.

Representatives of the Goethe-Institut and the examination service provider shall also be authorised to inspect the records of online German examinations for quality assurance purposes.

j. Legal basis

We collect and process the data communicated, the data recorded as per the 360° room check, the data collected during the performance of the examination and the data determined by monitoring efforts during the performance of the examination, and to ensure examination security, i.e. for the performance of the respective contract. The legal basis for data processing is Art. 6 (1) lit. b GDPR.

Depending on the data protection law of your home country, it may be possible that we may instead collect and process your data partly on the basis of your consent. The legal basis for data processing in these cases is Art. 6 (1) lit. a GDPR and/or the relevant national regulation that requires this. Consent is voluntary, and may be withdrawn at any time with effect for the future without affecting the lawfulness of processing based on consent before its withdrawal. However, we would like to draw

your attention to the fact that it is no longer possible to conduct the examination in this case. Should you withdraw your consent after the examination has been carried out, no more certificates can be issued and existing certificates will be deleted.

2. Data recipients

We shall pass on your personal data to the following recipients (or categories of recipients). Your personal data will not be transferred to third parties for purposes other than those listed above.

a) Data transfer to other branches of the Goethe-Institut

In the event that you are excluded from a Goethe-Institut examination for one of the reasons set out in the Examination Guideline, and the Goethe-Institut then imposes a one-year ban on you from taking examinations that form part of the Goethe-Institut examination portfolio worldwide, your data will be passed on to the Goethe-Institut examination centres (see Section 2 of the Examination Guideline) worldwide for the purpose of enforcing this measure (checking compliance with an imposed examination ban), and processed there to this end. This is managed on the basis of the execution of the joint contract for the provision of an examination in accordance with Art. 6 (1) lit. b GDPR. To the extent that personal data is processed in countries outside the European Union or the European Economic Area in this regard, this is also based on the necessity of the transfer for the fulfilment of this contract.

b) Central examination archive, forwarding to authorities

In order to enable the issuing of replacement certificates in the event of the loss of the certificates issued, data relating to the examinations you have taken will be stored and used in the central examination archive for a maximum of 10 years. This is managed on the basis of the execution of the joint contract for the provision of an examination in accordance with Art. 6 (1) lit. b GDPR. Depending on the data protection law of your home country, it may be possible that we may instead collect and process your data partly on the basis of your consent. The legal basis for data processing in these cases is Art. 6 (1) lit. a GDPR and/or the relevant national regulation that requires this. Consent is voluntary, and may be withdrawn at any time with effect for the future without affecting the lawfulness of processing based on consent before its withdrawal. Should you withdraw your consent, it will not be possible to issue a replacement certificate and a certificate enquiry will fail.

The data stored in this archive will be passed on to authorities (or other third parties) if they perform an authenticity check on the language proficiency certificates issued by us. Possible recipients primarily include government authorities in Germany, Austria or Switzerland and their foreign representations in the country of origin. These can also be employers or universities to which you have applied by presenting the certificate. Upon request, these recipients will only receive the information as to whether a submitted certificate is genuine or not. Other data will not be transmitted to these recipients. The legal basis for processing requests from public authorities is Art. 6 (1) Sentence 1 lit. e GDPR. The legal basis for processing enquiries from employers and other third parties is Art. 6 (1) Sentence 1 lit. f GDPR.

If you have issued your express consent vis-a-vis to us to transmit your data to a German diplomatic mission abroad, we will transmit your name, date of birth, certificate number and the examination result to the diplomatic mission abroad specified by you on the declaration of consent.

This instance of data processing is performed on the legal basis of Art. 6 (1) Sentence 1 lit. a) GDPR

in conjunction with the consent you have given.

c) Data transfer to examination service providers

In order to organise the examination process, compile the records and for other, general administrative purposes, your personal data collected by us will be transferred in full to the service providers we use to perform the online German examination. These are currently Examity, Inc, 153 Needham Street, Newton, MA 02464, USA, and PSI Services (UK) Ltd, Ranger House, Walnut Tree Close, Guildford, GU1 4UL, United Kingdom. Your data will be transferred to third countries outside the European Union and the European Economic Area, the USA and the United Kingdom.

There is no adequacy decision by the Commission with regard to the USA. Said transfer shall take place on the basis of suitable guarantees for the level of data protection within the meaning of Art. 46 (2) lit. c) GDPR (standard data protection clauses).

With regard to the United Kingdom, the Commission has issued an adequacy decision.

You can obtain a copy of the standard data protection clauses agreed between us and our service providers by sending an e-mail to datenschutz@goethe.de.

3. Duration of storage

Data that is subject to retention periods under tax and commercial law is stored for the duration of the respective period (6 or 10 years) and then deleted, i.e. personal master data and invoice data including the time of the examination. The examination log is stored for one year after the examination. The information that facilitates the verification of authenticity regarding a certificate shall be stored for ten years after verification. Otherwise, data will be deleted nine weeks after the respective contract has been processed.

If you have lodged an objection to the examination result, the data will be stored until the procedure has been completed.

4. Rights of data subjects

As the data subject, you enjoy the following rights:

- in accordance with Art. 15 GDPR, the right to request the disclosure of information regarding any personal data of yours that is processed by us to the extent specified therein;
- in accordance with Art. 16 GDPR, the right to demand the immediate correction of incorrect or incomplete personal data stored by us;
- in accordance with Art. 17 GDPR, you have the right to request the deletion of your personal data stored by us, unless further processing is necessary (i) to exercise the right to freedom of expression and information, (ii) to fulfil a legal obligation, (iii) for reasons of public interest or (iv) for the assertion, exercise or defence of legal claims;
- in accordance with Art. 18 GDPR, the right to demand the restriction of the processing of your personal data if (i) the accuracy of the data is disputed by you, (ii) the processing is deemed unlawful but you refuse to allow its deletion, (iii) we no longer need the data, but you

need it for the assertion, exercise or defence of legal claims or (iv) you have lodged an objection to the processing in accordance with Art. 21 GDPR;

- in accordance with Art. 20 GDPR, the right to receive your personal data that you have provided to us in a structured, commonly used and machine-readable format or to request that it be transferred to another data controller;
- in accordance with Art. 77 GDPR, the right to lodge a complaint with a supervisory authority. As a rule, you can contact the supervisory authority of your usual place of residence or workplace or our company headquarters.

5. Obligation to provide information

The provision of personal data collected by us is necessary for the conclusion of a contract (name, contact details, date of birth, place of birth) or is otherwise contractually required (device data, video/audio recordings, authentication data, examination answers and results). In the event that this data is not provided, the booked examination cannot be carried out or the desired language certificate cannot be issued.