

## **HAW Hamburg data privacy policy for online meetings using the Zoom video conferencing tool**

HAW Hamburg uses the online service Zoom, which makes it possible to hold (teaching) events, meetings and or webinars (hereafter referred to collectively as 'online meeting/s'). This privacy policy provides information about how we process your personal data in this context and what your rights as the data subject are.

### **1. Data controller contact details**

The data controller ('responsible entity') pursuant to the General Data Protection Regulation (GDPR) and other national data protection laws of the EU Member States, as well as other data protection provisions, is:

Hochschule für Angewandte Wissenschaften Hamburg / Hamburg University of Applied Sciences (HAW Hamburg)

Berliner Tor 5

20099 Hamburg

Tel. +49.40.428 75- 0

datenschutz(@)haw-hamburg.de

HAW Hamburg is a public corporation. It is legally represented by Prof. Dr. Micha Teuscher, president of HAW Hamburg, Berliner Tor 5, 20099 Hamburg.

### **2. HAW Hamburg data protection officer contact details**

Oliver Stutz

datenschutz nord GmbH

Konsul-Smidt-Str. 88

28217 Bremen

www.datenschutz-nord-gruppe.de

office(@)datenschutz-nord.de

*Please note: This English translation of the original German document 'Datenschutzerklärung der HAW Hamburg für Online-Meetings via Webkonferenzsystem Zoom' is provided for informational purposes. The German version is authoritative. If in any doubt as to the precise meaning or interpretation of these regulations, please refer to the German version, asking a German native speaker to help you if required.*

### **3. Personal data**

Depending on how and to what extent Zoom is used, various types of personal data are collected and/or processed. In particular, these include the following:

- Personal information (e.g. first and last name, participant name, password, personal IDs, email address)
- Meeting metadata (e.g. date; time and duration of communication; meeting name; connection method, telephone number where applicable; participating IP addresses are collected during use of the service and saved in log files; some metadata are saved as cookies to steer communication)
- Identification information (e.g. student number)
- Device/hardware data (e.g. MAC addresses, client version, type of hardware)
- Text, audio and video data and presentation material

### **4. Scope of data processing**

#### **4.1. Participation in online meetings**

In order to participate in an online meeting, you receive a meeting link from the host via email. Before you can join an online meeting, you are usually directed to a waiting room. This enables HAW Hamburg to manage participants' access. The host can subsequently allow you to enter the meeting.

As soon as you have joined the online meeting, the name you entered prior to the meeting or which is stored as part of your account is visible to all participants. When you sign in via a web browser you can enter a name directly before joining. If you sign in via the Zoom app, however, your profile name (e.g. your first and last names) is displayed in the online meeting. This is because when you use the Zoom app you have already completed a single sign-on (SSO) via the HAW Hamburg access manager using your HAW Hamburg email address. When registration takes place using the email address, a corresponding account is created, for which you can select a profile name that is subsequently saved. Zoom allows you to change your profile name at any time.

If you dial into an online meeting by phone, we process your telephone number and the other meeting metadata, particularly your participant ID in specific cases. For example, if you also want to join over a computer or your mobile device, your personal ID will be requested. You can find more detailed information about dialling into Zoom via phone [here](#).

Additionally, Zoom collects meeting metadata necessary for the provision of the service. In particular, this data includes technical information about your devices, your network and your Internet connection – for example, IP address, MAC address, other device IDs, device type, operating system and version, client version, camera type, microphone or loudspeaker, connection type and quality, and error log files. You can find additional information from Zoom [here](#).

#### **4.2. Audio, video, chats and virtual backgrounds**

During an online meeting, your personal data can be processed in video, chat or audio formats. All participants also have the opportunity to decide for themselves which elements of this data are used in an online meeting. In more detail, this means the following:

In general, each individual's camera and microphone are initially deactivated in internal meetings of university members, as per HAW Hamburg's university-wide policy. External participants who take part using a web browser have the opportunity to deactivate their camera or microphone before entering the online meeting. This is also the case for university members who would like to participate via a web browser without registering in advance.

You also have the opportunity to adjust your settings according to your wishes in the settings menu. The settings chosen can be adjusted at any time during a meeting. In order to participate actively in a meeting, it is worthwhile to at least activate the microphone or take part in the chat.

Participants can also select a virtual background. A virtual background allows you to control how your surroundings appear during an online meeting and to replace them with a virtual background of your choice. Once you have turned on your camera, all meeting participants see the virtual background you have selected. This allows you to protect your private sphere. You can change your virtual background in the settings menu or via the Zoom settings 'Start video', 'End video' or 'Select a virtual background'. More detailed information from Zoom is available [here](#).

You continue to be free to share content via video, audio, chat or as a so-called reaction, and you are able to cancel the sharing of content at any time. If you use the chat function, we process the personal data contained in the chat texts. Please note that other participants also have access to this content whenever the group chat is used. When the private chat function is used, only the two participants have access to the content.

#### **4.3 Recordings**

Recordings of online meetings can only be made by the HAW Hamburg host. It is not possible for (external) participants to start a recording via Zoom. When a recording is made, participants' sound

and image data can be processed. Chat contributions and subtitles are not included in recordings made by HAW Hamburg.

Before a recording is started, the host will inform you explicitly to this effect. All participants will also receive a notification via Zoom as soon as recording begins. If recording of participants is planned, the host will obtain their permission in advance – for example, if questions and comments are permitted as part of a presentation or a panel discussion is taking place. Additionally, HAW Hamburg can decide whether the recordings of other people will be made available online. However, this can only occur if you have given your consent. In individual cases where specific plans are in place to record participants' contributions, your written consent may also be requested.

The granting of consent to us is always voluntary. A refusal to grant this consent has no adverse effects for you. If you do not agree to a recording but still wish to participate in the meeting, please do not turn your camera or microphone on. In this case you can direct questions about granting consent to the host via email (or chat if you wish). You are considered to have implicitly granted consent if you have been informed about the recording and have, despite this information, participated verbally or by turning on your camera during the (teaching) event.

You have the right to revoke your consent at any time, with effect for the future. You can find more detailed information below under points no. 6.3 and no. 9 of this data privacy policy.

When a recording is concluded, it is processed by Zoom and is generally be stored locally on the host's device.

**Notice:** The recording of students' chat, image and sound data in online teaching sessions is not permitted for legal reasons. The recording of online examinations is also legally prohibited. Furthermore, the automatic evaluation of this data is forbidden.

## **5. Purpose of data processing**

Your personal data is processed for the following purposes:

### **5.1. University operations**

We use Zoom to make digital teaching operations and location-independent meetings and events possible. We process your contact information to ensure that you are authorised to take part in the online meeting. In some cases, ID information may also be requested – for example, as part of an online examination.

## **5.2. Meeting metadata**

The temporary storage of your IP address is necessary for the provision of the online service. This is because communication with your computer must be made possible. This requires that your IP address be saved for the duration of the session. Additionally, the logging of the data serves to detect and address disruptions and misuse.

The recording of data in so-called log files is carried out to ensure the functionality of the online service and the security of our IT systems.

To enable the use of Zoom, cookies may also be used. This makes it possible to use the online service and its basic functions.

This data is saved in the Zoom Cloud. HAW Hamburg has selected Germany as the server location.

## **6. Legal basis for data processing**

### **6.1. Meeting metadata (cookies, log files)**

The legal basis for saving information on the user device using cookies and on the server using log files, as well as for accessing this data, is section 25, paragraph 2, no. 2 of the Act to Regulate Data Protection and Privacy in Telecommunications and Telemedia (TTDSG). In those cases where the storage of or access to the information is accompanied or followed by the processing of personal data, in particular metadata, the legal basis is article 6, paragraph 1, point (e) and paragraph 3 of the GDPR in conjunction with section 4 of the Hamburg Data Protection Act (HmDSG) in conjunction with sections 3, 4, and 111, paragraph 1 of the Hamburg Higher Education Act (HmbHG).

### **6.2. University members**

The legal basis for the processing of students' personal data in the context of Zoom is article 6, paragraph 1, sentence 1, point (e) of the GDPR in conjunction with section 111, paragraphs 1-3 and paragraph 8 of HmbHG as well as the HAW Hamburg statute on the collection and processing of personal data (current version).

Employees' personal data is processed pursuant to article 88 of the GDPR in conjunction with section 10, paragraphs 1 and 2 of the Hamburg Data Privacy Act (HmbDSG) and section 85, paragraph 1 of the Hamburg Civil Servant Act (HmbBG). Data processing as part of contractual relationships is based on article 6, paragraph 1, point (b) of the GDPR.

The voluntary use of Zoom takes place pursuant to article 6, paragraph 1, point (a) of the GDPR (consent).

### **6.3. Recordings**

When an online meeting is recorded, the legal basis for the processing of your data is your consent pursuant to article 6, paragraph 1, sentence 1, point (a) of the GDPR. Your consent is voluntary and you can revoke this consent at any time, with effect for the future. Please send your withdrawal of consent to [datenschutz\(@\)haw-hamburg.de](mailto:datenschutz(@)haw-hamburg.de). It is also possible to declare your withdrawal of consent to the host of the online meeting. Your refusal to grant consent will not result in any negative consequences for you. Please also see point no. 9 of this data privacy policy below.

### **7. Transmission of personal data to Zoom Video Communications, Inc.**

As a rule, we do not transfer your data to third parties. Transmission only occurs if the data is intended for this purpose, if you have expressly consented to such transmission in advance, or if we are obligated or entitled to do so by law.

When processing your data via Zoom, HAW Hamburg is supported by the external service provider Deutsche Telekom Business Solutions GmbH ("Telekom"), which is based in Germany. As a so-called processor pursuant to article 28 of the GDPR, Telekom currently provides HAW Hamburg with the Zoom software and provides support with maintenance, among other things. Telekom processes your data strictly in accordance with instructions and on the basis of a separately concluded processing contract. The processing of data via Zoom takes place primarily within the European Union (data routing), but can also take place partially outside the European Union or the European economic area – in the USA in particular. For this purpose, Telekom has concluded so-called EU standard contractual clauses in accordance with article 46, paragraph 2, point (c) of the GDPR with its subcontractor, Zoom Video Communications Inc., based in the USA, to ensure an appropriate degree of data protection.

### **8. Deletion of personal data**

All meeting metadata such as IP addresses, technical protocols and diagnostic information that is older than one year will be deleted.

After an online meeting has ended, participants no longer have access to the content shared.

Where online meetings are recorded, these are only stored for the duration of the (teaching) event or course, including follow-up, and for exam preparation and follow-up.

If a HAW Hamburg account is deleted, the corresponding Zoom account is deactivated and all personal data saved for this account is deleted 30 days after deactivation.

Additional personal data are stored in accordance with the HAW Hamburg statute on the collection and processing of personal data, HAW Hamburg's file-management regulation and the Hamburg Archive Act (HmbArchG).

## **9. Data subjects' rights**

You have the following rights:

- The right to obtain information concerning the personal data about you which is stored by us (article 15, GDPR)
- The right to request the rectification of incorrect or incomplete personal data (article 16, GDPR)
- The right to the erasure of personal data concerning you, unless the processing of such data is required for the exercise of the right to freedom of expression and information; for compliance with a legal obligation; for reasons of public interest; or for the establishment, exercise or defence of legal claims (article 17, GDPR)
- The right to restrict the processing of personal data (article 18, GDPR)
- The right to object to any processing that is in the public interest (article 6, paragraph 1, sentence 1, point (e), GDPR) or is used for profiling purposes, unless we are able to demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms or the processing serves the establishment, exercise or defence of legal claims (article 21, GDPR)
- The right to revoke your previously granted consent to the collection, processing and use of your personal data at any time with future effect (article 7, paragraph 3, GDPR). If you exercise this right, we may no longer carry out the data processing that we had been performing on the basis of such consent.
- The right to file a complaint with a supervisory authority if you believe that the processing of personal data concerning you violates the terms of the GDPR (article 77, GDPR)

## **10. Changes to data privacy (policy)**

HAW Hamburg reserves the right to amend this data privacy policy in future.

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