



No. 376 / 13<sup>th</sup> January 2021

**RESOLUTION**  
**on the Guide to insuring the protection of personal data**  
**during exams organised via the use of technology and internet**  
**at Babeş-Bolyai University in Cluj-Napoca**

The Administration Council of Babeş-Bolyai University in Cluj-Napoca, through their electronic vote of 13<sup>th</sup> January 2021,

**DECIDED TO**

*Approve the Guide to insuring the protection of personal data during exams organised via the use of technology and the internet at Babeş-Bolyai University in Cluj-Napoca, according to the addendum to the present resolution.*

**RECTOR,**  
**Prof. Daniel David, Ph.D.**



Addendum to the ACR No. 376/13<sup>th</sup> January 2021

## GUIDE to insuring the protection of personal data during exams organised via the use of technology and internet at Babeş-Bolyai University in Cluj-Napoca

Didactic activities organised via the use of technology and the internet (including, summary evaluations/end-of-semester exams – herein called exams) at UBB Cluj demand that participants, teaching staff and students, comply with certain security measures for insuring the protection of personal data processed<sup>1</sup> on such occasion.

The measures listed in the present Guide do not exclude other measures of information security that each user must adopt.

We must acknowledge and accept that the organisation of exams exclusively online is an exception conditioned by the situation generated by the COVID-19 pandemic. Nonetheless, such regulations and the existing methodologies regarding the evaluation of students must be complied with and adapted to activities through the use of technology and of the internet (herein called online).

The protection of students' and teachers' personal data must be considered a honorary obligation by all those involved in the process; complying with this fundamental right must prevail over adopting measures that might be associated to intrusion into people's personal lives, and, implicitly, infringing of a fundamental right.

### 1. What types of personal data can be processed via the online teaching platforms during online exams

According to the *EU General Data Protection Regulation 2016/679 (GDPR)* and according to *Law 190/2018 on implementing measures to GDPR* (see the definition of personal data at Art. 4 par. (1)<sup>2</sup>), online teaching platforms may collect the following types of personal data: surname, name, physical features, voice, e-mail address, data to connect to the educational platform used, user and password, results of evaluations.

### 2. Why are personal data collected through online teaching platforms

Online evaluations via technology and the internet are a legal obligation of UBB, which, during the SARS CoV-2 pandemic, is responsible for offering quality education in compliance with its mission, vision, values and the UBB Charter, as well as specified in the signed student contract. In the case of distance and part-time learning, the use of e-learning platforms is a legal obligation established prior the pandemic.

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<sup>1</sup> 'processing' means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;

<sup>2</sup> 'personal data' means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who 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;



### 3. How are personal data processed during online exams

Education platforms allow for the synchronous (real time) visualisation of images and sounds sent by participants in the meeting. This material is not automatically recorded. The participants' names and surnames and/or their e-mail address are used by teachers to invite and identify participants to exams. They have already been archived onto the platform in order to allow students' synchronous access to online meetings, as well as to organised other synchronous activities (assessments, homework, didactic material etc.).

In the context of online exams and in order to prevent fraud during exams, added measures are needed to:

#### a) Establish the identity of the participant in the evaluation process:

- Upon entering the exam, students must present their student card and identity card;
- Students will access the e-learning platform using their username and password;
- Upon the request of the examining teacher or by their own initiative, students must turn on their web cameras and microphones. Should such devices not be functional, the student must let the teacher know, and the teacher will allow the students to participate in a later session of exam;
- Should they have doubts over the identity of students, the teacher may ask students to present their student card and/or identity card on the web cam in order to establish their identity. ***The procedure will not be recorded by any participant in the meeting!***

#### b) Recording during the exam:

- If the teacher deems it useful that the exam be recorded, this may be done after explicitly informing students of the recording;
- During the prior informing, the teacher will explicitly present the goal of recording the exam;
- The students' attendance in exams will be noted via the platform and/or offline.

#### c) The course of the exam:

- The course of the exam will be presented by the teacher/subject coordinator prior to the exam, and the procedure will be complied with;
- Students will have their cameras and microphones turned on during the entire session of exam or when the examining teacher demands it;
- No added personal data will be processed (unannounced screenshots, unannounced recordings, participants' photographs, photographs of identity cards etc.).

#### d) Filing away recordings:

- Recordings will be filed away for a period of time similar to filing away written evaluations, in compliance with the UBB regulations and the UBB Archive Nomenclature;
- Recordings will be saved on teachers' working stations, in a particular folder containing only recordings;
- Teachers' working stations will be secured and include a passcode;
- Recordings will be saved as soon as possible on external hard drives (CDs, DVDs, external hard disks, memory sticks), and deleted afterwards from the teachers' computers;



- Memory devices containing the exam recordings will be filed away in teachers' offices within UBB headquarters, locked in cabinets/drawers.

#### e) Use of recordings

- Will be done in compliance with the goal expressed by the teachers, in compliance with UBB regulations.

#### 4. Recommendations:

- Complying with the provisions of other regulations regarding students' evaluations;
- Using e-learning platforms accepted by UBB/faculties, preferably Microsoft Teams 365;
- Allotting an added time for evaluation due to the students' identification procedure;
- The oral exam may be considered the hardest method to commit fraud. It may be combined with the writing and oral submission of written materials;
- The recording must be considered an exception, considering that in the case of face-to-face exams there are no recordings;
- The exam will take place in the presence of the entire group of students, minimum 5 (five) students and minimum 2 teachers;
- There will be measures taken for protecting the personal space (if such space is used) where teachers and students may enter the exam by connecting to the internet (considering the orientation of the webcam so that no personal data is given);
- There will be measures taken for the use of a secure internet connection.

#### 5. The following restrictions will be considered:

- Exams may not be recorded by teachers and/or students using other devices, regardless of the goal;
- No photos or screenshots may be taken by teachers and/or students using other devices, regardless of the goal;
- The username and passcode for connecting to the platform may not be communicated/transmitted/disseminated to other people;
- In the room where the student is attending the exam, there cannot be other people that may contribute to exam fraud;
- Students may not use information sources that facilitate exam fraud;
- At the end of the exam, the application will be shut down so as to avoid the accidental collection of personal data.

#### Note:

*The present Guide is amended by the General Communication regarding the personal data processing at UBB <https://www.ubbcluj.ro/ro/politici> and by the Policy for cookies use <https://www.ubbcluj.ro/ro/politici/cookies>.*