



Privacy Statement "Students at FHWien der WKW/University of Applied Sciences for Management and Communication"

The safeguarding of your personal data is very important to us. We comply strictly with the legal requirements when collecting and processing your personal data.

We process your personal data exclusively within the framework of the provisions of the European General Data Protection Regulation (GDPR) and the Austrian data protection regulations especially the Austrian data protection law (DSG). We will tell you about who we are and the nature, scope, and purpose of the data collection and its use. Please note that we may update this privacy policy from time to time (e.g. due to changes in legal regulations, use of new technologies).

Who we are

The organization entrusted for handling data processing is the FHW Fachhochschul-Studiengänge Betriebs- und Forschungseinrichtungen der Wiener Wirtschaft GmbH (FHWien der WKW for short).

Address: Währinger Gürtel 97, 1180 Vienna, Austria

E-Mail: servicepoint@fh-wien.ac.at

E-Mail address for data protection concerns: datenschutz@fh-wien.ac.at

Collection and processing of data

We will process the personal data you provide to us as well as data that accrues during your study period.

The processing of data serves the following purposes:

- To prepare and process the learning agreement and the implementation of the study program,
- To fulfil legal reporting and information obligations to authorities
- For ongoing quality assurance of your study program and the FHWien der WKW,
- For system access control and the administration of user identifiers for the processing of data at FHWien der WKW,
- For selected mailings on current topics pertaining to study programs, continuing education courses, the university as well as events and offers of FHWien der WKW, Alumni & Co, and the network of FHWien der WKW,
- To compile a list of the students,
- To announce the names of those eligible to vote at the election of the Austrian Students' Union
- For market research on topics that are relevant to FHWien der WKW
- If you have a personal FH der WKW Campus Card: For the creation of the Campus Card which provides access to demarcated areas in the building of FHWien der WKW and allows the use of multifunction devices at FHWien der WKW

- If you are studying abroad: For the completion of the study-abroad semester and upon obtaining your permission, for providing your name, email address, degree program, and the name of the partner university to other outgoing students of FHWien der WKW for creating an experience report, on the part of the partner university, data required for processing the semester abroad can also be transmitted directly to us, in particular the Transcript of Records
- If you contact the help desk ticket system at FHWien der WKW: For the administration and processing of support requests,
- If you participate in research projects: To conduct the research project,
- If required by accreditation or audit offices for a degree course that you are pursuing, and if you made yourself available as a respondent: To obtain and maintain necessary and optional accreditations and audits via institutions for quality assurance and accreditation of study programs and institutions

Legal basis for the processing of data:

- Fulfillment of the contract pursuant to Article 6(1)(b) GDPR
- Fulfillment of the legal obligations pursuant to Article 6(1)(c) GDPR, in particular, the University of Applied Sciences Studies Act (FHStG), Educational Documentation Law, University and University Statistics and Educational Documentation Ordinance (UHSBV), Research Organization Act (FOG), Austrian Students and Student's Union Act 2014 (HSG 2014), Students and Student's Union Electoral Rule 2014 (HSWO 2014) Federal Act on the Establishment of the " OeAD-Gesellschaft mit beschränkter Haftung" (OeAD Act), Epidemics Act (insofar as health data are processed, this is based on Article 9(2)(g) GDPR (substantial public interest) and Article 9(2)(i) GDPR (public interest in the field of public health)
- If we process your data within the framework of quality assurance: Performing a task in the public interest pursuant to Article 6(1)(a) GDPR, in particular taking into account §2(3) FHStG and §3(1)(3)FHStG
- If we process your data for the purpose of carrying out market research: Our legitimate interest pursuant to Article 6(1)(f) GDPR to use for scientific research purposes
- Provided we provide your FHWien der WKW email address via FHWien online to all the students, lecturers, and employees of FHWien der WKW: Our legitimate interest pursuant to Article 6(1)(f) GDPR for a seamless implementation of the contract and the order of study
- If we use your data for sending mailings for marketing purposes: Our legitimate interest to use for marketing purposes pursuant to Article 6(1)(f) GDPR
- If we pass on your data to outgoing students: Your consent
- If we provide your data to optional accreditation or audit bodies: Your consent
- If we disclose data to the legal representatives and/or to the courts during the duration of the contract or after its termination in connection with a legal dispute: For pursuing a legal claim.

The provision of personal data is neither prescribed by law or contract but is required for forming the learning agreement. The non-provision of data precludes the creation and subsequently the completion and implementation of the learning agreement.

Master's Thesis

According to § 19(3) of the University of Applied Sciences Act (FHStG), a positively assessed Master's thesis is to be published by handing it over to the library at FHWien der WKW. FHWien der WKW fulfills its obligation to publish by publishing it in both analogous form by including a printed copy of the Master's thesis in the library collection of FHWien der WKW and in digital form by including the digital version of the Master's thesis in the public online catalog of the library at FHWien der WKW. In this context, the processing of data takes place in order to fulfill the legal obligation to publish pursuant to Article 6(1)(c) GDPR, as well on the basis of the training contract pursuant to Article 6(1)(b) GDPR. In addition, legitimate interests on our part also exist in the publication of the positively assessed Master's thesis pursuant to Article 6(1)(f) GDPR with the aim of promoting research, teaching, innovation, quality control as well as for maintaining electronic access to the library.

Use of video conferencing systems

In order to provide up-to-date and functioning teaching and examination facilities, courses and examinations can (also) be held in the form of meetings (telephone/video conference) or webinars (stream) online with the support of video conference systems, namely via Zoom, Microsoft Teams, Adobe Connect or Panopto. When using these services, we process your personal data if you participate in a meeting or webinar that was created from a licensed account with the respective provider with an @fh-wien.ac.at e-mail address. Data processing is carried out to enable your participation, i.e. to establish and use the connection. Only personal data that is absolutely necessary for usability, corresponding to the selected settings or depends on your communication behavior is processed. The use of a microphone, video camera and/or chat function is only necessary in so far as this is required in each individual case or is necessary for the fulfilment of the purpose of the event and you must then switch on the microphone, video camera and/or chat function via the corresponding application. Otherwise microphone, video camera and/or chat function can remain muted or switched off. The legal basis for data processing is Article 6(1)(b) GDPR, insofar as the meetings/webinars are carried out within the framework of contractual relationships (e.g. learning agreement). In addition, we (also) rely on legitimate interests in accordance with Article 6(1)(f) GDPR which regard the provision of a modern and functioning teaching and examination facility, effective conduct of online meetings/webinars and in the supervision of examinations.

In our legitimate interest pursuant to Article 6(1)(f) GDPR in the documentation, design and further development of modern interactive teaching and learning scenarios, image and video recordings (including sound) can also be made and used in the course of online courses (e.g. photo protocol on the learning platform, project reports).

Recording examinations

With your consent, your examination can be recorded for evidence purposes in accordance with Article 6 (1)(a) GDPR and, in the case of a complaint against a negatively assessed examination, it can be processed by FHWien der WKW in the course of the complaints procedure pursuant to § 21 of the University of Applied Sciences Act (FHStG). Further information can be found in the separate declaration of consent.

Image, video and/or sound recordings at events

We would like to point out that picture, video, and/or sound recordings can be made at events (e.g. summer fair, project celebrations, sponsorships, and panel discussions) as part of and/or during your studies. These are processed by FHWien der WKW and can be published on the website of FHWien der WKW, on social media channels as well as in print media. The legal basis for the data processing is our legitimate interests pursuant to Article 6(1)(f) GDPR concerning the processing for documentation, reporting, and public relations purposes.

Third-country nationals and categories of persons regulation

Under the prerequisites of section 2 (2) FHStG (University of Applied Sciences Act), third-country nationals may be required to pay an increased tuition fee, with the exception of persons who fall under the provisions of the Ordinance on Groups of Persons or hold a residence title/residence permit other than "student". For the purpose of verifying the exceptional circumstances, it may be necessary for you to disclose the relevant personal data to a third person and to submit the relevant documents.

We are obliged by law to verify the existence of an exception and to ensure that the corresponding amount to pay is limited. For this reason, the processing of personal data, including that of your relatives, may be unavoidable. Their processing for the aforementioned purpose is in any case justified on the basis of Article 6(1)(c) GDPR (legal obligation) and (f) (legitimate interests in achieving the purpose) GDPR.

By providing such personal data and submitting the documents, you confirm that you too can legitimately present a justification for this information or transmission in accordance with Article 6 or (for data of a special category) Article 9 of the EU Data Protection Regulation. In particular, you confirm that you have obtained any necessary consent from the persons concerned in accordance with the provisions of GDPR, and that the persons concerned are aware of FHWien der WKW's data protection declaration, which is available on our website at <https://www.fh-wien.ac.at/fachhochschule/ueber-uns/datenschutz/>.

Note

If data processing is carried out on the basis of a legitimate interest, you can object to the data processing by stating a reason in accordance with Article 21 GDPR. However, an objection only leads to the omission of the processing if the objection is justified by special reasons.

If the data processing takes place for marketing purposes, you can object to the processing at any time. An objection means that we will no longer use your data for marketing purposes.

If the data processing is based on your consent, you are entitled to revoke your consent at any time by sending us a letter or an email. Upon receiving your revocation, the processing of your data becomes impermissible. Until we receive your revocation, the lawfulness of processing your data remains unaffected by the revocation.

Who receives my personal data?

The following external recipients will receive your personal data only when it is deemed necessary in a particular case to fulfill a purpose within the legal framework:

- External lecturers at FHWien der WKW
- Students at FHWien der WKW
- Outgoing students of FHWien der WKW
- A cooperation partner (when we offer a continuing education course in cooperation with another legal entity)
- Austrian Student's Union
- Student's union at FHWien der WKW
- Agency for Quality Assurance and Accreditation of Austria
- Federal Minister of Education, Science, and Research
- Federal Institute "Statistics Austria"
- Institute of Advanced Studies (IHS)
- General Accident Insurance Institution
- Banks handling payments
- Accreditation and audit bodies
- A partner university
- Project sponsors and partners participating in research projects
- OeAD (Österreichische Austauschdienst) GmbH (only for internships abroad and applications for funding) - OeAD-GmbH's data protection regulations can be viewed here: <https://oead.at/de/datenschutz/> (please note that this is an external website, which is operated by the respective provider under its own responsibility and personal data is processed during visits)
- The public
- A legal representative
- Courts, public Authorities

Processors employed by FHWien der WKW may also process data in order to fulfil the described purposes, if they offer sufficient guarantees for the security of the data (e.g. a number of data may be passed on to processors (in particular to provide cloud services, IT service providers, printers, dispatch of newsletters or mail items).

Diplomas and academic transcripts from overseas institutions may be sent for assessment and verification of credentials to the Federal Ministry of Education, Science and Research, the relevant embassies, consulates and to the university from where you graduated.

Data transmission to a third country

If we refer in the following to the data protection regulations of another provider, please note that these are external websites which are operated by the respective provider on his own responsibility and where personal data is processed during visits.

If you have an email address with FHWien der WKW, your name will be transferred to the Redmond-based Microsoft Corporation in the United States (the cloud provider) for setting up your Office 365 account. This recipient is certified under the EU-US Privacy Shield Framework, hence making the transmission of the data permissible under Implementing Decision (EU) 2016/1250 of the European Commission. You can view Microsoft's privacy policy here: <https://privacy.microsoft.com/de-de/privacystatement>.

If a plagiarism check has been made, the data will be sent to the United States for evaluation by Turnitin, a plagiarism detection software. This recipient is certified under the EU-US Privacy Shield Framework, hence making the transmission of the data permissible under Implementing Decision (EU) 2016/1250 of the European Commission. You can view Turnitin's privacy policy here: <https://help.turnitin.com/de/datenschutz-und-sicherheit.html>

If courses and examinations are held in the form of meetings/webinars with the support of a video conferencing system, personal data will be transmitted to the respective provider as far as this is necessary for data processing:

- Zoom - The provider Zoom Video Communications, Inc. transmits data to the USA. Zoom fulfils the data protection guarantees in accordance with Article 44(ff) GDPR by joining the EU-US Privacy Shield and concluding so-called EU standard data protection clauses. Further information on data processing when using Zoom can be viewed here:

<https://zoom.us/docs/de-de/privacy-and-legal.html>

- Adobe Connect - We use "Adobe Connect" from Adobe Inc. in the USA, which is represented in Europe by Adobe Systems Software Ireland Limited. Adobe Inc. is certified under the Privacy Shield Agreement and thus offers a guarantee to comply with the European data protection level. You can view Adobe's privacy policy here:

<https://www.adobe.com/at/privacy/policy.html>

- Microsoft Teams - We use "Microsoft Teams" from Microsoft Corporation based in the USA. Microsoft Corporation is certified under the EU-US Privacy Shield Framework. You can view the Microsoft Privacy Policy here: <https://privacy.microsoft.com/de-de/privacystatement>

- Panopto: We use "Panopto" from Panopto Inc. in the USA, which is represented in Europe by its British subsidiary Panopto EMEA Limited. Panopto Inc. is certified under the Privacy Shield Agreement and thus offers a guarantee to comply with the European data protection level. The Panopto data protection regulations can be viewed here:

<https://www.panopto.com/dach/datenschutz-und-cookie-richtlinie/>

Academic transcripts and diplomas from overseas institutions may be sent to a recipient in a third country for evaluation purposes (see point "Transferee" above). Without this transmission, it will not be possible to verify the presence of the formal requirements for measuring proven knowledge and hence required for the implementation of contractual measures pursuant to Article 49(1)(b) GDPR.

In the case of a study-abroad semester, it may be necessary to transmit the data to a recipient (e.g. a university where the study-abroad semester is being taken) in a third country. Without this transmission, it will not be possible to undertake a study-abroad semester and it is therefore required pursuant to Article 49(1)(b) GDPR.

Retention period

The retention of data is valid until the expiry of the warranty, the statute of limitations, the statutory retention periods applicable to us, and until the settlement of legal disputes in which the retention of the data is required for use as evidence.

The image/video material (including sound recordings), if any, will be stored as long as it is necessary for the purposes for which it is processed. In particular, the storage period depends on the following criteria:

- Type of image (in particular number of persons, surroundings depicted)
- Framework within which the admission was made (e.g. public event, teaching event, graduation)
- Suitability for use on the homepage and in social networks
- Suitability for presenting the company history
- Suitability for use with anniversaries and festive publications
- Degree of interference with confidentiality interests
- Suitability for historical and archive purposes
- In addition, the image/video and sound data will be stored until the end of any legal disputes for which they are required as evidence.

Your legal rights

Under the GDPR, you are entitled to the following rights under the conditions set out therein:

- Right to obtain information
- Right to rectification or erasure
- Right to restrict processing
- Right to data portability
- Right to revoke your consent

To exercise your legal rights or if you have questions, please contact us via email at datenschutz@fh-wien.ac.at or send your correspondence to FH Wien der WKW, Legal Department, Währinger Gürtel 97, 1180 Vienna

Legal support

As the data subject, you are entitled to file a complaint with the supervisory authority if you believe that the processing of your personal data violates European or national data protection laws. In Austria, the handling of complaints lies with the data protection authority.



FHWIEN DER WKW

As of 5/2020

This document is a translation of the German original. In case of discrepancy between the English and German versions, the German version shall apply.