



## Privacy Policy for Applicants

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 and purpose of the data collection and its use.

### Who we are

The organization entrusted for handling data process 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](mailto:servicepoint@fh-wien.ac.at)

E-mail for data protection issues: [datenschutz@fh-wien.ac.at](mailto:datenschutz@fh-wien.ac.at)

## Collection and processing of data

### *Admissions procedure*

During the application process to study at FHWien der WKW, we process the personal data you have provided us with, as well as the information obtained during the application process. The legal basis for data processing are pre-contractual measures in accordance with Article 6(1)(b) GDPR. Data processing is initially carried out to check whether the formal admission requirements for the desired program are met and, if necessary, to carry out the admissions procedure.

In order to provide an up-to-date and functioning admissions procedure, the admissions procedure - or parts of it - can (also) be carried out online with the support of a video conference system, namely via zoom. When using this service, we process your personal data if you take part in a video conference (meeting) created by a licensed zoom account 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.

For the participation in a meeting via zoom, no registration is required, but you will still have to provide information about your name. Please note that if the admissions procedure is carried out online, the initiation of the meeting with general information may be accessible to other applicants and in this case the name you have chosen will also be visible to other applicants attending the meeting. Examinations themselves will then take place in a separate breakout room for each candidate, to which only the exam supervisor has access in addition to the candidate. In the Breakout Room, the identity of the candidates is also established. Screenshots can be taken by the exam supervisor for evidence purposes if there is a suspicion of the use of unfair means or practices.

The legal basis for data processing is pre-contractual measures (initiation of a training contract) in accordance with Article 6(1)(b) GDPR. In addition, we (also) rely on legitimate interests in accordance with Article 6(1)(f) GDPR, which lie in the provision of an up-to-date and functioning admissions procedure, in the effective conduct of online meetings and in the supervision of examinations.

Note: Please note that it is not allowed to take pictures or make other recordings (e.g. screenshots or video recordings) of the meeting or parts of it (e.g. exam questions)!

The provision of personal data is not required by law or contract, but is necessary for participation in the application process. Failure to provide the data prevents participation in the application procedure and, subsequently, the possibility of completing a learning agreement.

If your application is successful and a learning agreement is concluded between you and FHWien der WKW, your data will be included in your student file and processed for the purpose of fulfilling the learning agreement and the legal obligations at FHWien der WKW. In this case, you will receive separate supplementary data protection information.

### *Other purposes*

Some of your data will be used for selected mailings on current topics regarding the programs and continuing education offerings at FHWien der WKW, as well as on events and offers for prospective students. The legal basis for data processing is our legitimate interest in accordance with Article 6(1)(f) GDPR. You may object to this processing at any time. An objection will result in our no longer using your data for marketing purposes from that point on.

If you have expressly given your consent, we may also send you information on courses offered by MODUL University Vienna, the MODUL Tourism Schools of the Vienna Chamber of Commerce or other educational providers within the network of the Vienna Chamber of Commerce. In these cases, however, your data will not be forwarded to these educational providers. In this case, the legal basis is your consent pursuant to Article 6 (1)(a) GDPR. You can revoke your consent at any time by letter or e-mail, so that the processing of your data for this purpose is no longer permitted from the time of receipt of your revocation. The lawfulness of the processing of your data until revocation remains unaffected by your revocation.

If you have already registered to apply for a place at FHWien der WKW, but have not yet completed the application form, you will receive selected information on current topics regarding FHWien der WKW's study programs and continuing education courses, as well as on events and offers for prospective students only if you have expressly agreed to such information being sent to you during the registration process. In this case, the legal basis is your consent pursuant to Article 6 (1)(a) GDPR. You may revoke your consent at any time by letter or e-mail, so that the processing of your data for this purpose is no longer permitted from the time of receipt of your revocation. The legality of the processing of your data up to the time of revocation remains unaffected by your revocation.

### *Third-country nationals and categories of persons regulation*

Under the prerequisites of section 2 sub-section 2 of the FHG (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/ueberuns/datenschutz/>.

## **Recipient and transfer of data to a third country**

The data collected is only used internally by our employees for the purposes described above and is not transferred to external recipients.

In the case of foreign certificates and diplomas, it may be necessary to submit them to the Federal Ministry of Education, Science and Research, the relevant embassies or consulates or to a university at which you have already obtained an academic degree, for the purpose of evaluating your previous education and for the verification of certifications. Without this transmission, it is not possible to check whether the formal admission requirements for the desired course of study have been met. If the recipient is located in a third country, we will base the data transfer on Article 49(1)(b) GDPR for the implementation of pre-contractual measures.

In order to fulfil the purposes described above, contract processors employed by us may also process data on our behalf if they offer sufficient guarantees for the security of the data (e.g. external persons (supervisory authorities, IT service providers) may be called in in connection with the computer-based test).

When referring to data protection regulations of respective providers, please note that these are external websites that are operated by the respective provider at their own responsibility and that personal data is processed when you visit them.

We use Microsoft tools from the Microsoft Corporation with headquarters in the USA. Microsoft fulfills the data protection guarantees according to Article 44 (ff) GDPR by concluding so-called EU standard contract clauses. The Microsoft data protection regulations can be found at <https://privacy.microsoft.com/de-de/privacystatement>.

The provider Zoom Video Communications, Inc. transmits data to the USA. Zoom fulfills the data protection guarantees according to Article 44(ff) GDPR by concluding so-called EU standard data protection clauses. Further information on data processing when using Zoom can be found at <https://zoom.us/docs/de-de/privacy-and-legal.html>

## **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.

## **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](mailto: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.

**As of : 11/2020**

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