

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 Union General Data Protection Regulation (EU GDPR) and the Austrian data protection regulations especially the Austrian data protection Act (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 legislation, use of new technologies).

Who we are

The organization entrusted with 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

Email: servicepoint@fh-wien.ac.at

Email 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, including any associated communication
- To fulfil legal reporting and information obligations to authorities
- For ongoing quality assurance of your study program and of 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 in the election of the Austrian Students' Union (Österreichische Hochschülerinnen- und Hochschülerschaft, ÖH)
- For market research on topics that are relevant to FHWien der WKW, where appropriate
- For archiving purposes in the public interest, research purposes or statistical purposes, where appropriate

- 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 FH Wien der WKW and allows the use of multifunctional devices at FH Wien 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 FH Wien der WKW for the purpose of preparing an experience report, the partner university may also transmit data required for processing the semester abroad directly to us, in particular transcripts of records
- If you contact the help desk ticket system at FH Wien 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

Your data will also continue to be processed after your studies have ended, for example for the purpose of fulfilling our legal obligations or to provide mutual support between FH Wien der WKW and its graduates. For further information, please refer to the relevant privacy statement on the FH Wien der WKW website at <https://www.fh-wien.ac.at/fachhochschule/ueber-uns/datenschutz/>; "Graduates."

Legal basis for data processing :

- Fulfillment of a contract pursuant to Article 6(1)(b) EU GDPR
- Fulfillment of legal obligations pursuant to Article 6(1)(c) EU GDPR, in particular, the Austrian University of Applied Sciences Act (FHG), Educational Documentation Act, University and University Statistics and Educational Documentation Ordinance (UHSBV), Research Organization Act (FOG), Austrian Students' Union Act 2014 (HSG 2014), Students and Student 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) EU GDPR (substantial public interest) and Article 9(2)(i) EU 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) EU GDPR, in particular taking into account Section 2(3) FHG and Section 3(1)(3) FHG
- If we process your data for the purpose of carrying out market research: Our legitimate interest pursuant to Article 6(1)(f) EU GDPR to use data for scientific research purposes
- If we process your data for archiving purposes in the public interest, research purposes, or statistical purposes: Article 89 EU GDPR and section 7 of the Austrian Data Protection Act (DSG)
- Provided we provide your FH Wien der WKW email address via FH Wien online to all the students, lecturers, and employees of FH Wien der WKW: Our legitimate interest pursuant to Article 6(1)(f) EU GDPR for the seamless implementation of a 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) EU 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 nor 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.

Software products used within the program

Please note that in terms of processing personal data, FHWien der WKW does not become a data controller as defined in Article 4(7) EU GDPR as a result of students using software products provided by FHWien der WKW. FHWien der WKW merely provides the software solutions (e.g., Citavi, etc.) for optional use, but the students are responsible for deciding on the means and purpose of such data processing.

Master's thesis

According to Section 19(3) of the University of Applied Sciences Act (FHG), 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 analog form by including a printed copy of the Master's thesis in the library collection of FHWien der WKW and (exclusively from winter semester 2023/24) 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) EU GDPR, as well on the basis of the learning agreement pursuant to Article 6(1)(b) EU 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) EU GDPR with the aim of promoting research, teaching, innovation, and 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 email address. Data processing is carried out to enable your participation, i.e., to establish and use the connection. Only personal data is processed that is absolutely necessary for usability, corresponds to selected settings, or that depends on your communication behavior. The use of a microphone, video camera, and/or chat function is only necessary insofar as 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 the microphone, video camera, and/or chat function can remain

muted or switched off. The legal basis for data processing is Article 6(1)(b) EU GDPR, insofar as the meetings/webinars are carried out within the framework of contractual relationships (e.g., learning agreements). In addition, we (also) rely on legitimate interests in accordance with Article 6(1)(f) EU GDPR relating to the provision of a modern and functioning teaching and examination facility, effective conduct of online meetings/webinars, and the supervision of examinations.

In our legitimate interest pursuant to Article 6(1)(f) EU 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 during online courses (e.g., photo protocol on the learning platform, project reports).

Recording examinations

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

Alternative examination methods to accommodate disabilities

According to Section 13 (2) FHG, students have the right to an alternative examination method if they can verify that they have a disability that makes it impossible to take the examination using the prescribed method and if the use of an alternative method does not affect the content or requirements of the examination. If you wish to exercise this right and apply for an alternative examination method, any disclosure of data relating to a disability is voluntary. In this case, we will process your personal data on the basis of your consent in accordance with Article 6(1)(a) EU GDPR and, insofar as this involves health-related data, on the basis of your consent in accordance with Article 9(2)(a) EU GDPR, and for the purpose of fulfilling our legal and contractual obligations towards you (e.g. Article 6(1)(c) EU GDPR in conjunction with Section 13(2) FHG and Article 6(1)(b) EU GDPR). You can withdraw your consent at any time. If you withdraw your consent, the processing of your data for the specified purpose will no longer be permitted from the date we receive your notice of withdrawal. The lawfulness of the processing of your data until the revocation will remain unaffected by your withdrawal.

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, and in print media. The legal basis for the data processing is our legitimate interests pursuant to Article 6(1)(f) EU 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) FHG, third-country nationals may be required to pay an increased tuition fee, with the exception of persons who are within the scope of the Austrian Ordinance on Groups of Persons or who hold a residence title/residence permit other than “student”. It may be

necessary for you to disclose the relevant personal data to a third person and to submit the relevant documents for the purpose of verifying such exceptional circumstances.

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. Processing for the aforementioned purpose is in any case justified on the basis of Article 6(1)(c) (legal obligation) and (f) (legitimate interest in achieving the purpose) of the EU 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 GDPR. In particular, you confirm that you have obtained any necessary consent from the persons concerned in accordance with the provisions of the EU 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 EU 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 (e.g., when we offer a continuing education course in cooperation with another legal entity)
- Austrian Students' Union
- Students' 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) – the data protection regulations of OeAD GmbH 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 that personal data is processed during visits)
- Supervisory committee pursuant to section 135 of the Austrian Economic Chambers Act (WKG) as part of management control
- The public
- Legal representatives, 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. cloud services, IT service providers, printers, dispatch of newsletters or mail items).

Diplomas and academic transcripts from foreign institutions may be sent for assessment and verification of credentials to the Federal Ministry of Education, Science and Research, the relevant embassies, consulates, and the university from which 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 under their own responsibility and where personal data is processed during visits.

We use Microsoft tools. Microsoft, the provider, is Microsoft Ireland Operations Limited, 1 Microsoft Place, South County Business Park, Leopardstown, Dublin 18, D18 P521, Ireland. As a basic principle, data processing does not take place in any third country outside the EU/EEA area, because the storage of personal data is limited to data centers within the European Union. However, we cannot rule out the possibility that, under certain conditions, data will be processed outside the EU/EEA area. In this case, EU standard data protection clauses have been concluded as data protection guarantees in accordance with Article 44 et seq. EU GDPR. Microsoft is also certified in accordance with the EU–U.S. Data Privacy Framework. The transfer of data is therefore (also) permitted on the basis of an adequacy decision by the European Commission. You can access Microsoft's privacy statement at <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, which operates plagiarism detection software. The Turnitin service fulfills the data protection guarantees in accordance with Article 44 et seq. EU GDPR by concluding the EU standard data protection clauses. Turnitin is also certified in accordance with the EU–U.S. Data Privacy Framework. The transfer of data is therefore (also) permitted on the basis of an adequacy decision by the European Commission. You can view Turnitin's privacy policy here: <https://help.turnitin.com/de/datenschutz-und-sicherheit.html>

If events are carried out using a video conferencing system or video platform, personal data will be transmitted to the respective providers insofar as necessary for data processing in each case:

- Zoom – The provider Zoom Video Communications, Inc. transmits data to the United States. Zoom complies with the data protection guarantees pursuant to Article 44 et seq. EU GDPR by concluding EU standard data protection clauses. Zoom is also certified in accordance with the EU–U.S. Data Privacy Framework. The transfer of data is therefore (also) permitted on the basis of an adequacy decision by the European Commission. For further information on data processing when using Zoom, please see <https://zoom.us/docs/de-de/privacy-and-legal.html> (in German) / <https://zoom.us/trust/resources> (general English Zoom privacy website).
- Adobe Connect – We use the Adobe Connect software suite of the US-based Adobe Inc., which is represented in Europe by Adobe Systems Software Ireland Limited. Adobe Inc. complies with the data protection guarantees pursuant to Article 44 et seq. EU GDPR by concluding EU standard data protection clauses. Adobe Inc. is also certified in accordance with the EU–U.S. Data Privacy Framework. The transfer of data is therefore (also) permitted on the basis of an adequacy decision by the European Commission. Adobe’s privacy policy can be viewed here: <https://www.adobe.com/at/privacy/policy.html> (in German).
- Microsoft – We use tools of Microsoft (Microsoft Ireland Operations Limited, headquartered in Ireland). As a basic principle, data processing does not take place in any third country outside the EU/EEA area, since the storage of personal data is limited to data centers within the European Union. However, we cannot rule out the possibility that, under certain conditions, data will be processed outside the EU/EEA area. In this case, EU standard data protection clauses have been concluded as data protection guarantees in accordance with Article 44 et seq. EU GDPR. Microsoft is also certified in accordance with the EU–U.S. Data Privacy Framework. The transfer of data is therefore (also) permitted on the basis of an adequacy decision by the European Commission. You can access Microsoft’s privacy statement at <https://privacy.microsoft.com/de-de/privacystatement>
- Panopto: We use the Panopto tool of the US-based Panopto Inc., which is represented in Europe by its British subsidiary Panopto EMEA Limited. Panopto Inc. complies with the data protection guarantees pursuant to Article 44 et seq. EU GDPR by concluding EU standard data protection clauses. Panopto Inc. is also certified in accordance with the EU–U.S. Data Privacy Framework. The transfer of data is therefore (also) permitted on the basis of an adequacy decision by the European Commission. The Panopto Privacy Policy is available for review at: <https://www.panopto.com/dach/datenschutz-und-cookie-richtlinie/> (in German) / <https://www.panopto.com/privacy/> (in English)

Academic transcripts and diplomas from overseas institutions may be sent to a recipient in a third country for evaluation purposes (see point “Who received my personal data?” 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) EU 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) EU GDPR.

If software programs are used for training purposes or students are trained on software programs that involve data transfer to a third country, we also rely on Article 49(1)(b) EU GDPR (to fulfill the learning agreement).

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.

Image/video material (including sound recordings) relating to your person, 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, the number of persons, surroundings depicted)
- Framework within which the recording was made (e.g., public event, teaching event, graduation)
- Suitability for use on the homepage and in social networks
- Suitability for presenting the company's history
- Suitability for use for anniversaries and festive publications
- Degree of interference with confidentiality interests
- Suitability for historical and archive purposes

In addition, such 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 EU 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 data protection authority is responsible.

Date: 02/2024

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