Information on data protection regarding “Zoom” (status 18 May 2020)

The following document contains information about the “Zoom” video conferencing system, a service provided by Zoom Video Communications, Inc., seated in the U.S.A. You receive this information in accordance with Article 13 of the General Data Protection Regulation (GDPR). It concerns the processing of your personal data when telephone / video conferencing in the “Meeting” format or streaming a lecture in the “Webinar” format via Zoom and both formats being produced with a licensed Zoom account within the HRZ-managed licence agreement.

Please note that this document will be updated whenever there are changes for instance to the legislative basis on higher education or for other reasons requiring a reassessment.

Controller

The controller for data protection when using Zoom is:

Technical University of Darmstadt
Karolinenplatz 5
64289 Darmstadt
Phone +49 6151 / 16-01

Represented by Prof. Dr. Tanja Brühl, President of Technical University of Darmstadt

Technical University of Darmstadt is the controller processing your personal data if you, as a host, are using a Zoom account that has been set up based on the agreement managed by the HRZ of TU Darmstadt or if you have been invited by someone using such a Zoom account. However, Zoom Video Communications, Inc. is the controller, if you are not using one of these TU Darmstadt Zoom accounts as a host (i.e. when using independent Zoom accounts and particularly basic / “freeware” versions instead). Zoom Video Communications, Inc. is also the controller for any meeting you may be invited to that is hosted by someone who does not use a TU Darmstadt Zoom account (i.e. without a @tu-darmstadt.de mailing address).

Notice: It is not permissible to use the tu-darmstadt.de mailing address to invite to a Zoom communication event, unless the host uses the Zoom licence of TU Darmstadt as well. For more information about user rights of members of Technical University of Darmstadt, refer to https://www.hrz.tu-darmstadt.de/konferenz/videokonferenz/zoom/index.de.jsp

Zoom Video Communications, Inc. is responsible for processing your personal data, should you be using the Zoom website (https://www.zoom.us) or a mobile app by Zoom on your terminal. For more information about Zoom as the controller and their contact details, refer to zoom.us/docs/dede/privacy-and-legal.html.

Contact details of the data protection officer

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Type and scope of processing personal data

When using Zoom services, your personal data will be processed. Some data is required for the service provided to work while other data depends on your communication choices.

Your personal data is being processed to enable your participation when communicating via Zoom by connecting the Zoom service for use. As technical service provider, Zoom uses this data also to maintain the operational effectiveness and security of its communication service. When using Zoom for communication via an account managed by the HRZ under its licence agreement with Zoom, the technical service provider does not use such data for its own purposes.

The data affected that you provide when using this service are your first name, surname, preferably your TU email address, password (when not using Single-Sign-on) and other contact data (optional) in addition to technical information for use, so-called meta data (topic, description (optional), participants’ IP addresses, information about devices and hardware (e.g. IP address, certain information about your terminal), the communication contents you provide (e.g. oral communication, camera data (if used), chat messages).

To enable video and audio, data coming from your terminal’s microphone and video camera (or webcam) are processed while communicating with Zoom. You can switch off your video camera (or webcam) and/or mute the microphone any time directly in the Zoom application.

Should it become necessary to document the results of a Zoom meeting (e.g. examination or meetings of administrative bodies), it is possible to record the meeting electronically. Whenever such a recording takes place, you will be informed in advance including about how it will be used. During the meeting itself, the recording icon will be activated and displayed. Should a Zoom communication be recorded, video, audio and presentation recordings will be captured; other audio recordings based on functionality (mp4 files of all video, audio and presentation recordings, m4a files for all audio recordings) and text files of on-line meeting chats will be made.

When dialling in by phone, incoming and outgoing phone numbers, country names, start and end times and possibly other connectivity information such as IP address of the device will be saved.

Purpose and legal basis of data processing

The purpose for processing this data is to enable telephone and video communication as substitutes for traditional meetings and events, particularly lectures, oral exams, meetings of administrative bodies and team meetings, at the university during the corona/COVID-19 pandemic. Such gatherings are essential for the university to function and operate properly in fulfilment of its responsibilities within the legal framework of higher education. In addition, the pandemic currently requires minimising direct contact with others as much as possible. Communicating via Zoom is a substitute for such gatherings as well.

The legal basis for data processing for employees and staff of the university and applicants for employment is Art. 6(1), first sentence, (b) and/or (e) of the General Data Protection Regulation (GDPR) in conjunction with Art. 23 of the Hessisches Datenschutz- und Informationsfreiheitsgesetz (HDSIG [Hessian Data Protection and Freedom of Information Act]) (setting up and implementing an employment relationship). For students during courses without compulsory attendance and oral exams, the legal basis is Art. 6(1), first sentence, (a) GDPR (consent of the student, particularly the
examinee). For business partners of the university, it is Art. 6(1), first sentence, (b) GDPR (setting up and implementing agreements). And for all other cases, it is Art. 6(1), first sentence, (e) GDPR (ensuring proper university operations in fulfilment of its legal responsibilities).

Providing the required personal data and using Zoom as means of communication is mandatory for employees and staff of the university within the framework of their employment relationship. For students, and particularly examinees, using Zoom to attend on-line courses without compulsory attendance and to take oral exams is currently voluntary.

An automatised decision-making (e.g. profiling) does not take place when using Zoom.

**Recipients of personal data**

Your personal data is being processed as described above. It is sent to Zoom to this end. This is inevitable because Zoom provides its service to the university as a “software as a service”, i.e. as a technical service using its own servers. Zoom is doing this as a processor on behalf of the university, which means that Zoom is obligated by a processing agreement to use personal data only for the purposes of the university but not for its own business interests. This GDPR-defined data processing has priority over the broader scope of Zoom’s privacy policy.

In doing so, personal data is also transferred to servers outside of the EU. This is a so-called third-country data transfer. It is permissible because Zoom can make use in parts of an adequacy decision by the EU Commission (“privacy shield”) and because the company has entered into a contract with the university containing standard contractual clauses that legitimise third-country data transfer in compliance with the GDPR.

To learn more about how personal data is processed specifically, refer to “Addendum” here: https://zoom.us/dataprocessing. To learn more about standard contractual clauses, go here: https://eur-lex.europa.eu/legalcontent/EN/TXT/?uri=celex%3A32010D0087.

Zoom uses subprocessors to render its services. They are bound to the same data protection level as agreed with Zoom and in compliance with the provisions of the GDPR. For an up-to-date list of subprocessors, go here: https://zoom.us/subprocessors.

**Storage duration**

The services are as a rule pre-set in such a way that no communication contents (incl. chats) are saved. By exception, communication contents can be recorded by the host provided this is necessary for the purposes described above. If a recording is made, your recording containing video, audio data, questions and chat contributions is saved on a Zoom server and will be deleted 30 days later at the latest. A final archiving on servers of the university will be defined according to the general rules based on the required period of technical safekeeping.

As processor, Zoom will save all other personal data for as long as required to provide and invoice this technical service.

When you have registered as a Zoom user yourself (e.g. for use of the mobile app), it is possible to save reports about on-line meetings (meeting meta data, data for telephone dial-in, questions and answers in webinars, surveys in webinars). For this data, Zoom is the sole controller and as such bound to inform.
Rights of data subjects

As a data subject, you have the right:

- to receive personal data concerning yourself from the controller
- to have personal data concerning yourself rectified
- to obtain the erasure of personal data concerning yourself
- to restrict the processing of personal data concerning yourself
- to data portability

In as far as Zoom is used to perform university tasks in the public interest, you have the right to object to the processing of personal data concerning yourself in accordance with Art. 21 GDPR.

In individual cases, these rights can be restricted by the GDPR. This is usually the case, when data processing is necessary to perform a task required by law.

In as far as Zoom is used with your consent, you have the right to withdraw your consent any time. However, this withdrawal is only effective in the future. Any processing of personal data based on your consent is within the law up until the time of withdrawal.

You can assert the rights mentioned above against Technical University of Darmstadt.

You also have the right to lodge a complaint with a supervisory authority.

The supervisory authority for the controller is:

Der Hessische Beauftragte für Datenschutz und Informationsfreiheit (the Hessian Commissioner for Data Protection and Freedom of Information)
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