

## **Regulations for protecting data from language examinations administered by the Foreign Language Centre at the University of Pécs**

The University of Pécs ensures that its data management activities adhere to the following stipulations: Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and the free movement of such data, and repealing Directive 95/46/EC (henceforward referred to as General Data Protection Regulation); Act CXII of 2011 on the Right of Informational Self-Determination and Freedom of Information (Information Act); other relevant regulations; the data protection practice developed by the Hungarian National Authority for Data Protection and Freedom of Information (NADF); Government Decree No. 137/2008 (V. 16.) on the certified examination of foreign language attainment and the nostrification in the Republic of Hungary of language certificates of foreign language attainment issued abroad (Govt. Decree 137/2008); the internal operating procedures of the ECL Examination Centre; and the Accreditation Handbook.

### **1. The purpose of this handout**

The purposes of this document is to provide information on the data protection and data management principles applied by the data controller related to the personal data of the candidates taking the language exams organized by the controller.

### **2. Name of data controller**

Name: University of Pécs

Headquarters and postal address: 7622 Pécs, Vasvári Pál Street 4, Hungary

Representative: Rector Dr. Attila Miseta, and Chancellor Zoltán Jenei

Organisational unit carrying out data management activities: Foreign Language Centre, ECL Language Examination Centre

Representative: Dr. Judit Huszti

Name of contact person: Szabina Varga

Telephone: + 36 72/501-500

E-mail address: [husztij@inyk.pte.hu](mailto:husztij@inyk.pte.hu)

Name of data protection officer: Dr. Gergely László Szőke

E-mail address: [adatvedelem@pte.hu](mailto:adatvedelem@pte.hu); +36 (30) 179 5672

Accreditation identification numbers of the Examination Centre on the basis of which it is permitted to conduct language exams: AK-XII/1/2001 (ECL language examination system and Hungarian language) and AK-XII/3/2002 (English and German languages).

### **3. The scope of personal data management**

The scope of the personal data managed by the controller includes any data that candidates provide to the data controller when they apply to take language exams, and any other data that candidates sends to the data controller in connection with the exams.

Should there be any change in data handled by the data controller during the time it manages the data, the candidates must report this change immediately to the contact person identified in point 2 above.

#### **4. The aim and legal basis of data management**

4.1 When a candidate enters a language exam testing location, the controller identifies the individual and verifies his/her entitlement data. With the permission of the candidate and according to Point a) in Paragraph (1) Article 6 of the General Data Protection Regulation, the controller acquires the candidate's first and family name, place and time of birth, address and mother's maiden name. If the candidate revokes her/his consent to providing the necessary data to management, the controller has no way of ensuring the candidate's participation in the language exam.

4.2 The data controller uses the name, address and email-address of the candidate with her/his permission – Point a) in Paragraph (1), Article 6 of the General Data Protection Regulation – for the purposes of communicating during the exam. If the candidate revokes her/his consent, the data controller has no way of providing more information about the exam.

4.3 On the basis of the permission given by the candidate – Point a) in Paragraph (1), Article 6 of the General Data Protection Regulation – the data controller manages the audio recording of the oral exam for the purposes of reviewing and re-evaluating the speaking section of the exam, evaluating the candidate's appeal against the exam results and standardizing procedures. If requested, a scoring appeal can be submitted by the candidate. If the candidate revokes her/his consent to this data collection, the controller cannot approve the request for reviewing and re-evaluating the oral exam results.

4.4 In order to ensure that the exam is administered properly and the results are determined in accordance with Point b) in Paragraph (1), Article 6 of the General Data Protection Regulation, the data controller manages the data for the selected language exam (language, examination site, level, type, date and selected partner – if applicable) and the tests written and submitted during the written exam.

4.5 To issue an invoice, the data controller – according to Point c) in Paragraph (1), Article 6 of the General Data Protection Regulation, in compliance with a legal obligation, namely, one prescribed under Act CXXVII of 2007 on value added tax (VAT Act) – collects the name and address of the person who paid for the exam and any other related fees.

4.6 In order to preserve the invoice, the data controller – according to Point c) in Paragraph (1), Article 6 of the General Data Protection Regulation and based on a legal requirement – collects the name and address of the person who paid for the exam and any other related fees.

4.7 According to Point e) in Paragraph (1), Article 6 of the General Data Protection Regulation, the data controller utilizes information on candidates' gender, age, highest level of education, place of residence, native language, citizenship and exam results, as well as the performance of anonymised candidates. This data is used for statistical analysis on the language exams administered by the Foreign Language Centre at the University of Pécs as well as to develop tests that adapt to the needs of the test takers and continue to improve the examination system. Data managed for the purposes of statistics, research and quality assurance is implemented anonymously.

4.8 To determine whether candidates take their exams in a foreign language, the data controller manages the data regarding the nationality of the candidates according to a legal requirement – Point c) in Paragraph (1), Article 6 of the General Data Protection Regulation, i.e. Chapter (1)-(2) in § 3 of Government Decree No. 137/2008.

4.9 As required by law – Point c) in Paragraph (1), Article 6 of the General Data Protection Regulation, i.e. on the basis of Chapter (4) in § 4 and Paragraph (2a) in § 5 of Government Decree No. 137/2008 –

and for the purposes of filling in the language exam register, the data controller is permitted to using the personal data of the candidate (name, mother's maiden name, place and date of birth), the data related to the chosen language exam (language, examination site, level, type and date of exam), the tests written and submitted at the written exam, the assessment and result of the exam, the score achieved on each test, the score achieved on the exam expressed as a percentage of the maximum score, and the number of the certificate.

4.10 As required by law, according to Point e) in Paragraph (1), Article 6 of the General Data Protection, in order to confirm the results of the language exam and the decisions made in connection with the application, appeal and review processes, the data controller manages the data and documents supporting the result of the exam and the other related decisions, especially the test papers, the writing and speaking tasks, the tests completed by test-takers and data verifying entitlement for individual treatment.

4.11 As required by law, according to Point e) in Paragraph (1), Article 6 of the General Data Protection, in order to handle the request for reviewing the result of the language exam, the data controller manages the data necessary to assess requests for review.

4.12 As required by law, according to Point e) in Paragraph (1) Article 6 of the General Data Protection, in order to verify participation in the language exam, the data controller handles the data of the candidate as submitted on the list of participants.

## **5. Duration of data management**

The duration of data management is stipulated as follows: in the case of points 4.1 and 4.2, data processing continues as long as necessary for the purposes of processing the information or until the candidate revokes his/her permission; in the case of point 4.3, the data is valid for three years or until the candidate revokes his/her permission; in the cases described under points 4.4 and 4.10–4.12., the data is valid for three years according to Accreditation Handbook (<http://www.nyak.hu/nyat/doc/ak2015/ak2015.htm>) made public by the Educational Authority Accreditation Centre for Foreign Language Examinations on the basis of Government Decree no. 137/2008; in the case of point 4.5, the data is valid until the invoice is issued; in the case of point 4.6, the data is valid for eight years according to § 169 of Act C of 2000 on Accounting; in the case of point 4.7, the data is valid until it is anonymized; in the case of point 4.8, the data is valid for the duration of the legal obligation.

## **6. The scope of personnel involved in data, data supply and data processing**

Personal data may be shared with the authorised colleagues of the data controller, as well as with individuals who process data as part of their job responsibilities. Employees involved with such data sign a declaration of confidentiality. The data controller supplies data to other organisations or people solely on the basis of an existing legal obligation.

Language exams are administered in the Examination Centre and the examination sites under contract with the Centre. The examination sites function as locations for data processing. The list of examination sites (data processors) can be found at <https://eclexam.eu/exam-centers/>.

Test papers are assessed by professionals employed either as employees or on a contractual basis by the Examination Centre or the examination sites. In the latter case, according to Article 29 of the General Data Protection Regulation, these raters are considered employees working under the guidance of the data controller or processor.

Data processors are not allowed to make any decisions regarding data management. They are only allowed to process personal data they encounter in accordance with the directives of the data controller, and they are not allowed to process data for private use. The examination sites are only allowed access to the personal data of candidates who take their exams at their location, while the raters only have access to the test papers they rate and the data necessary to complete their work. They are required to keep data confidential according to the instructions provided by the data controller.

In order to guarantee high quality standards when assessing writing test compositions with the assistance of native speakers – in line with the requirements of accreditation – these tests may be given to foreign raters (placed in an EEA member state or in a third country) for grading purposes. Data transfer to a third country may happen only in the case of language exams taken in English (United States of America), Serbian (Serbia) and Russian (Russia) languages. The Examination Centre only forwards the code of the examination site, the date of the exam, the name and signature of the candidate and a computer-generated code (which makes identification clear in the future) to the foreign raters. Other personal data is not sent to foreign raters. Following the assessment process, the foreign raters send the test papers back immediately, but no later than six weeks after the exam was administered. When forwarding personal data to data processors outside the EEA, the data controller employs a data processor whose country the European Commission acknowledges as a place which guarantees an appropriate level of data protection. For example, for raters in the United States of America, there is a mechanism employed which, according to the General Data Protection Regulation, offers adequate safeguards to ensure the protection of personal data.

On the basis of Point 3a) § 4 of Government Decree 137/2008, the data controller forwards the necessary data to the Education Authority in order to make a decision regarding an appeal submitted by a candidate. On the basis of Paragraph (4) § 4 of Government Decree 137/2008, the data controller forwards the necessary data to the Education Authority to be used for the language exam register.

## **7. Data security**

Employing adequate technical or organisational measures, the data controller guarantees appropriate protection for candidates' personal data, including protection against unauthorised and unlawful management, accidental loss, and destruction or damage of personal data. For further information on data protection measures employed by the University of Pécs, please see § 20-22 of the [Data Protection Regulation](#) and Chapter IV of the [Regulation on Informatics](#).

## **8. Rights of the Candidate**

8.1 The candidate is entitled to have access to information determined by Article 15 of the General Data Protection Regulation concerning the data processing pertaining to the candidate, and it is imperative that the data controller informs the candidate about the following information the controller manages:

- the type of personal data,
- the purpose and legal basis for collecting data,
- the sources used for collecting data,
- the duration the data will be archived in company records,
- to whom, when and under which legislation the data controller transferred or secured access to the personal data, including the categories of such data, and
- the candidate's rights and means of appeal regarding data management.

8.2 On the basis of Article 16 of the General Data Protection Regulation, candidates are entitled to obtain from the controller the rectification of any inaccurate personal data related to them.

8.3 In the case of data management on the basis of the consent provided, according to Paragraph (3) Article 7 of the General Data Protection Regulation, the candidate is entitled to revoke his/her consent in writing without giving any reasons at any time. Such revocation does not affect the legality of data management carried out before revocation was submitted.

8.4 According to Article 17 of the General Data Protection Regulation, the candidate is entitled to have their personal data deleted, especially if the purpose for data management no longer exists, if data management is unlawful, if the candidate revokes his/her consent (and there is no legal basis for managing data further) or if the data controller has accepted the objection raised by the candidate on the basis of their right to object.

8.5 According to Article 18 of the General Data Protection Regulation, the Candidate is entitled to request a restriction with regards to managing his/her personal data. If this is the case, besides storing the information, the personal data subject to restriction can be used only with the consent of the candidate. Additionally, it can only be used to submit, realize or protect a legal claim, and to protect the right of natural or legal entities. It can also be used if the public interest of the EU or any of its member states requires it.

8.6 According to Article 20 of the General Data Protection Regulation, the candidate is entitled to receive the personal data he/she submitted in a widely used electronic form and forward such data to other data controllers.

8.7 According to Article 21 of the General Data Protection Regulation, the candidate is entitled to protest against data management.

8.8 Detailed information on how candidates may exercise their rights connected to data management is included in the Data Protection Regulation of the University of Pécs: [https://adminisztracio.pte.hu/sites/pte.hu/files/files/Adminisztracio/Szabalyzatok\\_utasitasok/Hat\\_Es\\_Egyeb\\_Sz/adatvedelmiszabalyzat20180525.pdf](https://adminisztracio.pte.hu/sites/pte.hu/files/files/Adminisztracio/Szabalyzatok_utasitasok/Hat_Es_Egyeb_Sz/adatvedelmiszabalyzat20180525.pdf).

## **9. Candidates exercising their legal rights**

Should anyone need to submit a complaint, it can be done by sending an e-mail either to the contact person defined in Point 2 or to the university's data protection officer ([adatvedelem@pte.hu](mailto:adatvedelem@pte.hu)). If the candidate wishes to submit their complaint by post, they should send it to the contact person or to Dr. Gergely László Szőke (as mentioned in Point 2) at the following address: 7622 Pécs Vasvári P. u. 4.

Candidates may also consult the Hungarian National Authority for Data Protection and Freedom of Information (mailing address: 1530 Budapest, Pf.: 5., phone: +36 (1) 391-1400, e-mail: [ugyfelszolgalat@naih.hu](mailto:ugyfelszolgalat@naih.hu), website: [www.naih.hu](http://www.naih.hu)), if they feel that their rights have been violated with regards to the management of their personal data or if there is an immediate danger that such data may be violated. If the rights of the candidate are violated, they may turn to the court and initiate proceedings before the regional court that has jurisdiction over the candidate's temporary or permanent place of residence.