Terms and Information for the Use of Zoom for Study, Administration, Teaching, and Research

The video conferencing system Zoom X (hereinafter "Zoom") is used at Neu-Ulm University of Applied Sciences (HNU) for teaching, research, and administration to conduct modern interactive online teaching formats, online exams, webinars, online meetings, and committee meetings with internal and external participants.

It is used as a collaboration tool for the purpose of studying, administration, teaching, and research, as well as for conducting online educational activities as part of work-related activities carried out at the Neu-Ulm University of Applied Sciences, in accordance with Article 2 of the Bavarian Higher Education Act (BayHIG).

Online lectures and other university events may be recorded to make them available online to members of the university. Online exams may be conducted in accordance with the provisions of the Bavarian Examination Regulations (BayFEV).

The Neu-Ulm University of Applied Sciences provides central Zoom licences for these purposes.

1. Terms of use

1.1 General provisions

Anyone using Zoom must be at least 16 years of age.

The use of Zoom for private purposes is not permitted under the licences provided by the Neu-Ulm University of Applied Sciences.

Employees of the Neu-Ulm University of Applied Sciences are permitted to use the licences solely for work-related purposes.

Students are permitted to use the licences solely for study purposes.

Meetings and content that have an unlawful nature (such as hate crimes, criminal false information, pornography, content harmful to minors, and other criminal content, such as defamation, slander, incitement to commit crimes, incitement to hatred, depiction of violence, and threats) are prohibited.

Posting Zoom links or access credentials on social networks or other publicly accessible internet pages is prohibited due to the associated risks, including "Zoom-bombings". Administrators may delete meetings if information from these meetings has been publicly disclosed in this manner. Exceptions can be considered for specific activities at the Neu-Ulm University of Applied Sciences, but they require approval from the administrators on a case-by-case basis.

Content or data with a high level of protection, sensitivity, or confidentiality should not be shared via Zoom. Usage is prohibited, particularly when it involves processing special categories of personal data, such as health data. In this context, please refer to the Neu-Ulm University of Applied Sciences' cloud policy. Avoid using Zoom for sensitive health consultations, employee records, or disciplinary proceedings.

The use of external Zoom Marketplace applications is generally not permitted, and only the applications introduced centrally and detailed below can be used.

The service may not be used for job interviews. For these areas, you can use the video conferencing solution integrated into the "BITE Applicant Manager" software. The appeals process is an exception to this rule. In exceptional cases, these can be conducted through Zoom if personal and highly sensitive data and content are discussed in an anonymised manner (e.g., during expert assessments conducted as part of appointment processes) or if it is deemed necessary for trial lectures.

When sharing confidential files among participants, use should be made of existing secure channels, such as Moodle, Sync&Share, or shared network drives.

When using Zoom, it is important to ensure that smart devices such as Alexa, Siri, and Google Home, are not within the operating area or active so as to prevent unauthorised data processing or recordings.

Work-related tasks should generally be carried out using devices issued by the university. Employees of the Neu-Ulm University of Applied Sciences should not use Zoom on their private devices.

The Neu-Ulm University of Applied Sciences reserves the right to restrict usage or revoke licenses and, if necessary, take further legal action in the event of a breach of the terms of use.

1.2 Recordings and consent

The declaration of consent and instructions regarding the recording, playback, and sharing of Zoom recordings are provided in a separate document. (LINK EINFÜGEN)

2. Privacy guidelines and information

When using Zoom, it is important to ensure that no unauthorised data processing takes place. Furthermore, it is important to ensure that the confidentiality of work-related matters is maintained.

Data protection settings have already been configured by the administrator. Only servers in Germany are used.

You have the option to replace your background with an overlay to protect your privacy. Your head will still be visible, but your surroundings will not.

2.1 User profile and extent of personal data processing

When setting up your user profile for Neu-Ulm University of Applied Sciences' licence, you need only provide your name and your university email address during the initial set-up (@hnu.de or @student.hnu.de). You can choose to provide additional information on a voluntary basis and edit it at any time. During usage, only the data required for the specific purpose should be used. The data protection principles of data minimisation, purpose limitation, storage restriction, and confidentiality should also be respected.

2.2 Processing of personal data

Only personal data provided by participants or transmitted to the Neu-Ulm University of Applied Sciences in the course of their activities (Art. 4(2) of the Bavarian Data Protection Act) will be processed. To access Zoom with a user profile within the scope of the Neu-Ulm University of Applied Sciences' licence, the following personal data is required:

- Surname
- First name
- Screen name (a name chosen by the participant that will be shown to other Zoom participants)
- Email address at the Neu-Ulm University of Applied Sciences (@hnu.de or @student.hnu.de).

In the case of external individuals whose accounts are associated with a Neu-Ulm University of Applied Sciences' licence, processing of relevant information from the external account (e.g., external email address) takes place. External accounts are temporarily allocated for the purpose of contract fulfilment, which may involve delivering presentations in the areas of continuing education, essential skills, or BIZEPS.

As an unregistered user, to participate in an online meeting without a user profile or to enter the meeting room, you are required to provide at least your name. You can, however, also use a pseudonym.

When using Zoom, it is possible that additional personal data may be processed. This depends on the settings chosen and the content used during the usage.

User details:

- Mandatory information: First name, surname, screen name, email address, password (if single-sign-on is not used)
- Optional: e.g., profile picture, location, company, department, telephone number

Meeting metadata: Topic (relates to the title), description (optional), participant IP addresses/location, devices/hardware information, e.g., browser, start and end time, etc.

For recordings (optional): MP4 file of any video, audio and presentation recordings, M4A file of any audio recordings, text file of the online meeting chat, and, if applicable, sub-title (if activated).

For telephone dial-in: Information about the incoming and outgoing phone number (four digits are replaced by *), country name, start and end time. Additional connection data, such as the device's IP address, may be stored if necessary.

Text, audio and video data: You might be able to use the chat, questions, survey, or whiteboard function during an online meeting. As such, the text entries you submit will be processed to be displayed in the online meeting and, if necessary, logged. To allow for video display and audio playback, data from your device's microphone and any camera will be processed based on the duration of the meeting. You can disable or mute the camera or microphone at any time using the Zoom applications.

You can find more information on the processing of cookies at https://zoom.us/cookie-policy (eternal link).

Zoom Rooms: Zoom Rooms allows you to integrate rooms equipped with video and audio technology or mobile all-in-one video conferencing systems (e.g., DTEN D7) into Zoom meetings. A physical space or room can then be linked to a Zoom meeting, enabling interaction between on-site participants and those joining online.

Equipped rooms or mobile video conferencing systems are designated as "resources" with their own mailbox/calendar in Outlook, and can be added to and reserved for an Outlook appointment. The scheduled meetings for the resources are displayed on the video conferencing system's screen with the subject and time, making it possible to join the Zoom meeting on site with a single click.

The following data from the respective resource calendar is transmitted to Zoom:

- Subject of the meeting
- Organiser
- Time
- Location
- Content/Description of the meeting

2.3 Connecting apps via the Zoom App Marketplace

Connecting third-party apps through the Zoom App Marketplace is generally not possible.

The following exceptions are permitted:
- Timer (provider: Zoom)
  - Enables the display of a timer or stopwatch to improve time management in meetings.
  - Permissions of the timer app to view information of all participants during a Zoom meeting:
    - Information about how individuals and their devices engage with Zoom products, such as when participants join and leave, whether participants have sent messages, and to whom they have sent messages, performance data, and other usage information and metrics.
  - Permissions of the timer app to manage host settings during a Zoom meeting:
    - Managing account or profile settings through the app, such as updating configuration preferences for meetings and webinars, email notification settings, and configuring Zoom Phone, Zoom Room, and telephones.
- Mentimeter (provider: Mentimeter)
  - Enables the display of interactive presentations with live surveys, quizzes, word clouds, and other interactive elements.
  - Permissions of the Mentimeter app to view information of all participants during a Zoom meeting:
    - Information about how individuals and their devices engage with Zoom products, such as when participants join and leave, whether participants have sent messages, and to whom they have sent messages, performance data, and other usage information and metrics. Device Information, cookie Information, and optional email address are processed.

2.4 Purpose and scope of the processing

The purpose of data processing is to use Zoom as a tool for online meetings, primarily for collaboration and education.

There is no data processing for purposes other than those specified in the terms or legally permitted purposes (e.g., for internal security system checks and ensuring internal network and information security according to Art. 6(1) of the Bavarian Data Security Act).

There is no performance or behavioural monitoring based on your use of Zoom. Using Zoom to generate personal statistics is not permissible.

There is no use of Zoom for automated decision-making as defined in Article 22 of the GDPR or for profiling and is also not permissible.

2.5 Legitimacy of data processing, legal grounds

Data processing is carried out in accordance with and based on the General Data Protection Regulation (GDPR), the Bavarian Data Protection Act (BayDSG), and other applicable data protection regulations.

The processing of personal data when using Zoom is based on the following legal grounds:

- for the voluntary use of Zoom, the voluntary participation in digital examination formats and for recordings according to the above procedure as defined by Art. 6 Para. 1(a) of the GDPR (consent).
- for the fulfilment of official duties in accordance with Art. 6(1)(e), Section 2, 3 of the GDPR in conjunction with Art. 4(1) of the Bavarian Data Protection Act, Art. 2 of the Bavarian Higher Education Act, Art. 12 of the Bavarian Higher Education Act.
- for teaching and studies in accordance with Art. 6(1)(e) of the GDPR in conjunction with Art. 4(1) of the Bavarian Data Protection Act and Art. 76(2) of the Bavarian Higher Education Act for employees and civil servants in accordance with Art. 6(1)(b) of the GDPR in conjunction with Art. 4(1) of the Bavarian Data Protection Act (BayDSG) and Section 3a(1) of the Occupational Health and Safety Regulations (ArbStättV)for data processing within the scope of contractual relationships in accordance with Art. 6(1)(b) of the GDPR.
- Metadata generated during the use of the web conference is only stored for the purpose of ensuring technical operation, troubleshooting, and error analysis, in accordance with Art. 4(1) of the Bavarian Data Protection Act (BayDSG) in conjunction with Art. 6(1) sentence 1(e) and Section 3 of the GDPR in conjunction with Art. 2 of the Bavarian Higher Education Act, Art. 76(2) of the Bavarian Higher Education Act (BayHIG), Art. 8(1) sentence 1 of the Bavarian eGovernment Act (BayEGovG), Art. 11 of the Bavarian eGovernment Act, Section 13(7) of the German Telemedia Act (TMG), and Art. 6(1) of the Bavarian Data Protection Act (BayDSG).

The mandatory and justified provision of necessary personal data within the employment relationship is a requirement for employees using Zoom. Students have the option to use Zoom in courses that do not require physical attendance (Art. 6(1)(a) of the GDPR). The choice of which video conferencing system is used rests with the department responsible for the particular activity.

Zoom is a remote conferencing services company based in San Jose, California/USA. As of February 2023, the Neu-Ulm University of Applied Sciences has switched to the product Zoom X, which is operated by the German company Telekom in partnership with Zoom. Zoom X is hosted entirely on servers in Germany, and a significant portion of Zoom X customer support is now based in Germany. There is a data processing agreement in place with Telekom Deutschland.

Zoom largely complies with the data protection guarantees as defined by Art. 44ff. of the GDPR. The appropriate level of data protection is guaranteed by the entering into of so-called EU standard contract clauses between Telekom Deutschland and Zoom. Data processing takes place in a third country, provided that a pure browser application is not used. Zoom has entered into appropriate standard contract clauses with its sub-contractors (cf. Art. 46 of the GDPR), as indicated under the subheading "Sharing and recipients of personal data". If data is still being transferred to the USA, such as specific metadata or pseudonymised data, it is done using standard contract clauses agreed upon with Zoom. In addition, further technical and organisational measures have been put in place. As of version 5.0, video transmission is end-to-end encrypted, and this encryption is intended to be used under the terms of the licencing agreement. In addition, the processing of special categories of personal data is not permissible in accordance with Article 9(1) of the GDPR.

2.6 Sharing and recipients of personal data

Personal data processed when using Zoom is not normally shared with external parties, unless expressly designated for sharing.

The provider Zoom and its partner, Telekom Deutschland GmbH, as well as any subcontractors will inevitably come to know of the processed data, insofar as this is necessary or provided for within the scope of the data processing agreement or any contractual relationships with subcontractors.

Approved subcontractors process personal data based on the standard contract clauses.

2.7 Deleting data and the user account

Data will be deleted once its intended purpose has been met, unless retention obligations exist, and upon withdrawal of consent.

Access to the user account in Zoom is deactivated by Central IT Services when the user leaves the Neu-Ulm University of Applied Sciences. After 365 days of not logging in, the user account will be deactivated without prior notice, and after an a further 120 days, the account will be permanently deleted.

External accounts associated with the Neu-Ulm University of Applied Sciences' licence will be removed from the licence after the intended purpose of the account has been fulfilled. External accounts are not deleted or deactivated.

Locally stored recordings and chat messages are deleted by the host once the purpose of these recordings and messages has been fulfilled.

If you are registered as a user on Zoom, reports on online meetings (meeting metadata, phone dial-in data, webinar questions and answers) can be stored on Zoom for up to one month.

3. Responsible party, relevant office and support

Responsible party for data processing

Neu-Ulm University of Applied Sciences
Wileystraße 1
89231 Neu-Ulm

info@hnu.de

Note: The Zoom provider is responsible for data processing when you access the Zoom website. However, visiting the website is only necessary for downloading the software for using Zoom.

Contact details for the official data protection officer

Neu-Ulm University of Applied Sciences
Wileystraße 1
89231 Neu-Ulm

dsb@hnu.de

Support for technical questions about Zoom

Digital Learning Centre
Neu-Ulm University of Applied Sciences
Wileystraße 1
89231 Neu-Ulm

elearning@hnu.de

4. Information on existing rights

If the legal requirements are met, you have the right to receive information about the data stored about you (Art. 15 of the GDPR). If incorrect personal data is processed, you have the right to have it corrected (Art. 16 of the GDPR). You also have the right to have your data deleted (Art. 17 of the GDPR), to have the processing of your data restricted (Art. 18 GDPR), to transfer your data (Art. 20 GDPR), to object to the processing of your data (Art. 21 GDPR) and to withdraw your consent for the future. This does not impact the lawfulness of data processing that occurred based on consent until withdrawal (Art. 7 of the GDPR). In addition, you have the right to submit a complaint with a data protection supervisory authority in accordance with Art. 77 of the GDPR. The data protection supervisory authority responsible for the Neu-Ulm University of Applied Sciences is the Bavarian State Commissioner for Data Protection (www.datenschutz-bayern.de).

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