Data Protection · M1 IRRM · mid-semester memo · 20% of your mark

Should the university watch your exam?

> **Due Monday 9 November, 23:59, by email.** At most two pages. The six questions are your headings. Feedback on 17 November.

The case

Amsterdam, April 2020. The University of Amsterdam's campus has been closed for a month by COVID. June exams are eight weeks away, and some first-year courses have 300 to 600 students each. The exam office proposes **online proctoring**: you sit the exam at home while software records your webcam, microphone, screen, mouse and keyboard; checks your student card; asks you to film your desk; and flags "unusual behavior" (looking away, background noise, a second face). Nobody watches live. Afterwards a person looks at the flags and can open a flagged student's recording. The supplier is an American company; recordings are encrypted and deleted after 30 days.

The student council objects: surveillance in students' bedrooms; everyone treated as a suspect; it will misfire on poor connections, shared rooms, disabilities or darker skin; nobody asked. Their alternative: open-book and oral exams. The exam office answers: those can't be written for every course in eight weeks, a diploma has to mean something, and other universities already use the software.

You advise the Executive Board, which decides on 30 April. The Board are not lawyers: write so they can act.

It's a real case. Read how it looked at the time: "Students UvA want to stop webcam-monitored exams" (Cursor, June 2020). What happened afterwards doesn't help your mark: you decide with what was known in April 2020.

What you know, and what you don't

- **Known:** the university relies on its public task in education (GDPR Art. 6(1)(e)), not consent. Data: video, audio, screen, keystrokes and mouse, a student-card image, a desk scan, automated "suspicion" flags. A human decides any consequence. The DPO has started a DPIA (Art. 35). About 40,000 students.
- **Not known:** where the recordings are stored and who at the supplier can see them · how often it flags students wrongly, and whether some groups more · how a flagged student sees the evidence and contests it · which courses truly have no alternative.

Options (combine them, or invent your own): approve for all online exams · modify (only where there's no alternative, fewer data streams, an opt-out, a way to contest) · postpone or switch to open-book and oral · refuse, and accept some cheating for one term.

The six questions, in plain words

1 · Map: what is actually happening?

What data, about whom, going where. Include what the software works out (the flags) and who else is in the room (roommates, family).

2 · Law: what constrains this?

Which lawful basis, and why not consent. Is it necessary, or is there a less intrusive way? Which rights do students keep: to be told, to see their data, to contest a flag?

3 · Risk: what could happen, to whom, how badly?

Pick the two or three risks to students that are most likely or most serious, and say why those. Not a list of everything.

4 · Handoff: where does control change hands?

Who decides (controller) and who only processes (processor)? What must the contract say? Where do the recordings go, and under which country's law?

5 · Decide: what do we do, and what risk remains?

Your decision in one sentence; the interest on the other side; the risk that remains; who owns it; the one fact that would change your mind.

6 · Redesign: keep the value, lose the danger.

Two or three changes. For each: who does it, how we'd know it happened, how a student can contest.

The template

Your name · Date
Recommendation to the Executive Board, University of Amsterdam · for the decision of 30 April 2020

Recommendation in one sentence:

1. Map: what is actually happening?
(What data, about whom, going where; what the software works out; who else is in the room.)

2. Law: what constrains this?
(Lawful basis and why not consent; necessary or not, course by course; the rights students keep.)

3. Risk: what could happen, to whom, how badly?
(Two or three risks to students, and why those.)

4. Handoff: where does control change hands?
(Controller, processor, what the contract must say, where the data goes and under whose law.)

5. Decide: what do we do, and what risk remains?
Decision:
The interest on the other side:
The risk that remains:
Who owns it:
What would change my mind:

6. Redesign: keep the value, lose the danger.
Change 1 (who does it · how we'd know · how a student contests):
Change 2:
Change 3:

Sources (don't count toward the two pages):
Tools used, including any AI, in one line:

How it's marked (out of 20)

Map	The data, the people, the systems, the parties; what's inferred; who else is in the picture	3
Law	The right basis; necessity argued, not asserted; the rights students keep	3
Risk	Risks to students, chosen by likelihood and severity	3
Handoff	Controller, processor, the contract, where the data goes	3
Decide	A clear decision, residual risk, the other side, an owner, what would change it	4
Redesign	Changes with an owner, evidence, and a way to contest	4

Your own words: a memo that reads like a brochure scores low. Short is fine: a Board reads two pages, not five.