

Terms of use and data usage notice for the use of the central learning platform "eLearning" at the University of Bayreuth

The following conditions apply to all users of the central learning platform "eLearning" of the University of Bayreuth (UBT). They are applicable to all registered users of the learning platform.

§ 1 Purpose - What is "eLearning" and what can it be used for?

The central learning platform "eLearning" of the UBT uses the free software Moodle. Moodle [is a learning platform](#) that is used worldwide at schools, universities, and companies for e-learning and blended learning projects. Moodle supports communication between teachers and learners, the distribution of teaching content, and the collaborative development of knowledge.

The learning platform is used at the UBT for the implementation of blended learning and e-learning courses in teaching. Offerings (e.g. courses) within the learning platform may only be created and operated by members of the UBT for these purposes and in particular for purposes that are compatible with the general [usage guideline of the IT Service Centre \(ITS\)](#).

The learning platform can also be used to hold classroom and distance examinations.

Use for other purposes (e.g. research projects of the University of Bayreuth and by university institutions) is possible, as long as the [terms of use of the IT Service Centre \(ITS\)](#) are complied with and the regular operation of the learning platform is not impeded.

§ 2 Data protection

While using the learning platform, personal data is collected and processed from you and about you. This data is linked to your person. It is therefore our duty to inform you about what data is collected and processed and what rights you have regarding data collection and processing. The IT Service Centre ensures by means of a suitable IT security infrastructure that internally only those persons have access to this information who need this access for the fulfilment of their tasks. Personal data is treated confidentially by us and is not made available to third parties, especially not publicly, without authorisation.

The responsibilities for data protection of the processed data are regulated in the [data protection rules of procedure of the University of Bayreuth](#).

The legal basis for the collection and processing of personal data is your consent in accordance with Article 6 (1) a) DSGVO. Data processing is carried out in accordance with the relevant data protection regulations, in particular on the basis of the General Data Protection Regulation and the Bavarian Data Protection Act.

The data collected shall be used for the purpose described under § 1 the data collected is collected and processed by the respective lecturers and teaching staff within the scope of their teaching duties. Data processing is also carried out to the extent necessary for the purpose of continuous improvement of system operation, i.e., for quality assurance, by the IT Service Centre as operator of the site (see § 5).

There is no automatic decision-making, in particular no profiling, within the meaning of the EU General Data Protection Regulation. In the context of courses, however, tests can be the basis for proving the required

qualification to complete a course. Tests are (partially) automatically evaluated and subsequently reviewed by the lecturers. The test questions are professionally compiled for each individual course by the respective lecturers.

In the following, we describe which personal data is processed. The processing of further personal data requires a corresponding legal basis or additional consent.

§ 2.1 Registration to the learning platform

Logging into the system is possible with UBT user IDs (bt-Kennungen). With the first login, an account is automatically created and filled with the following data from the central identity management (IDM) of UBT:

eLearning System	Field used in IDM
First name	preferredName
Last name	sn
User ID	uid
E-mail	mail
User type	employeeType

This data cannot be changed by the user in the system and must be adjusted directly in the IDM if necessary. These changes are usually transferred to the learning platform within 24 hours.

The use of the platform is only possible with personal identifiers. Use by group and function identifiers is excluded. Therefore, accounts with the employeeType "groupid" are automatically assigned to a group with highly restricted rights and deactivated within 24 hours.

§ 2.2 Categories of data collected

Profile data: Information such as your name and email address. In addition to the data from § 2.1 you can voluntarily fill in your profile with further data and a profile picture. This category of data also includes your roles and course affiliations in the system.

User content includes all data that you produce and import into the system yourself. This can be, for example, forum posts, submitted assignments, answers to questions, but also the content, titles, and descriptions of the courses in the system.

Assessment and completion data: Some of the modules of the learning system allow for a partly automatic calculation of assessment data for users. The system can also (automatically) track which activities (course elements) have been completed by which user.

Log data: The system logs the accesses of users to the individual sub-pages of the service. The time of access, accessing user account, affected user account and the IP address of the accessing device are logged. This data is processed in the system into statistical reports at course and system level, which privileged users can access.

Service operating data: The following data is stored by the ITS as part of the operation of the server: IP address of the accessing end device; date and time of access; resource called up; status code of the responding web server; size of the transmitted data; website from which the delivered resource was called up ("referrer"); browser type identification; error message issued by the web server in the event of an error. The transaction data stored by the ITS are collected exclusively for technical or statistical purposes. The data transmissions required for this purpose are secured. A comparison with other databases or an (automated) data transfer to third parties, even in excerpts, is not conducted.

§ 2.3 Categories of persons concerned

The following groups of persons are affected by the acquisition of the data described in § 2.2:

Profile data, user content, rating and completion data, log data, service operational data: Users of the system.

User data: Third parties mentioned in the data.

§ 2.4 Cookies

Cookies are stored on the end devices of the users for the operation of the system. The following cookie types are stored:

- (1) Session cookies are used to keep your login active between the end device and the server over several page views. Without these cookies, a new login to the page is necessary after each page visit.
- (2) Usability cookies are used by individual elements of the service to store the state of the page over several temporally separated calls. For example, hidden page elements are logged in this way or drafts are cached.

The use of cookies is in the interest of the users and deactivating them can lead to individual page elements only functioning to a limited extent or not at all.

§ 2.5 Recipient of the data

Access to the data of the eLearning system is controlled by roles. These roles can be assigned either system-wide, limited to courses or limited to course areas (category in which courses are collected). As described in § 2.1 only persons with a valid user identification of the UBT have access to the system.

Which data can be accessed by which recipients is determined by the roles. Roles are either assigned by authorised users or automatically assigned by the system when certain actions are performed in the system. The procedures for assigning roles are described in § 3.3.

Authenticated user: System-wide basic role to which all users of the system belong. The role allows access to certain *user content* - the titles and descriptions of all courses in the system that are not "hidden". In addition, access to one's own *profile data* is possible.

Course Creator: System-wide (for UBT staff) or course area level (student assistants) role that allows the creation of courses in the designated course areas. The role is accompanied by the possibility to see "hidden" courses and their descriptions, as well as to enrol in them, depending on the configuration of these courses.

Manager (Course Area): Role assigned to course areas. Allows access to *user content, assessment and completion data* and certain reports calculated from *log data* in courses in the course area. In addition, the user's course profile can be accessed, which allows access to parts of the *profile data* of participants in courses in the course area.

Course Admin or lecturer, as well as non editing lecturer: Role at course level. Allows access to *user content, assessment and completion data* and certain statistical reports calculated from *log data* in courses in the course area. It is also possible to access users' course profiles, which allows access to parts of the *profile data* of participants in courses in the course area.

Participant: Role at course level. Allows access to all *user content* and parts of the *user content* of other users and the user's own *assessment and completion data* for the course. Which *user content* of the course can be accessed can be controlled and adjusted very finely by the users with increased rights (especially course admin and lecturer). If these adjustments enable access to the *user content* of other participants that goes beyond the standard settings, it is the duty of the users with increased rights to provide appropriate information. In addition, access to one's own course profile, and thus one's own *profile data*, is possible.

Administrators: System-level role. Administrators have access to all *profile data, user data, assessment and completion data* and *log data* in the system. The role is only assigned to ITS staff members who are entrusted with the technical support of the system.

In addition to these roles in the system, the system administrators of the ITS have access to the underlying virtual hardware, and thus to the *operational data of the service*.

§ 2.6 Passing on data

Data is only passed on within the University of Bayreuth and to third parties in technically necessary cases to systems that are connected to the system. These are listed below.

§ 2.6.1 Video Content Management System - Panopto

For the provision of audio-visual data, the IT Service Centre of the University of Bayreuth operates the video content management system Panopto under the address mms.uni-bayreuth.de. The eLearning system acts as a central login and rights management service for this service. Within the scope of this function, the following parts of the *profile data* are transferred to the system: bt-identifier, first name, last name, e-mail address, course affiliations and roles.

The data is processed exclusively on IT systems of the University of Bayreuth. Data is not automatically passed on to third parties.

§ 2.6.2 Plagiarism detection software - Turnitin

The University of Bayreuth provides lecturers with the plagiarism detection tool Turnitin as a cloud service. This service is integrated into e-learning. When using the integration, parts of the *profile data* and parts of the *user data* are transferred to the service. Before data is transferred to the service for the first time, the user must agree to this transfer and the end-user license agreement of Turnitin.

The data is processed exclusively in European data centres.

§ 2.6.3 VHB Repository - SMART VHB/OER Area

The SMARTvhb and OER repositories of the Virtual University of Bavaria (VHB) are used for the exchange of teaching content between the partner universities. This content can be directly integrated as resources via a plugin in the eLearning system. When using the system, a persistent anonymized ID and the course role(s) are transferred to the VHB systems. When accessing the content integrated content, the VHB collects operational data. The transfer of data to third parties, in particular the developers of the plugin (metaVentis GmbH), is explicitly prohibited.

Further information on the processing of the data can be found on the VHB website: <https://www.vhb.org/datenschutz/>, in particular in the section "vhb-Repository - SMART vhb (smart.vhb.org) /OER Bereich (oer.vhb.org)".

§ 2.7 Deletion

The personal data of the data subject shall be deleted or blocked as soon as the purpose of the storage no longer applies. Storage may also take place if this has been provided for by the European or national legislator in Union regulations, laws, or other provisions to which the person responsible is subject. The data will also be blocked or

deleted if a storage period prescribed by the aforementioned standards expires, unless there is a necessity for the continued storage of the data for the conclusion or fulfilment of a contract.

For the data categories § 2.2 the following deletion periods and deletion dates result:

- *Profile data:* The user profiles are deleted from the system when the user accounts provided by the ITS are deactivated. The deletion periods coincide with the deletion of the accounts.
- *User content:* The user content is removed from the system when the course is deleted. The times of deletion of courses result from the usage guidelines.
- *Assessment and completion data:* The assessment and completion data is deleted from the system either with the deletion of the associated user profile or the associated course.
- *Log data:* In order to enable an anonymous statistical evaluation of the system over complete semesters, the log data is kept for 180 days and then deleted on a rolling basis.
- *Service operational data:* Rolling deletion of data takes place in accordance with the ITS operational policy after 90 days

A check of the correct deletion is carried out regularly by the system administrators.

§ 2.8 Your rights

1. General:

Concerning the processing of your personal data, you are entitled to the following rights pursuant to Art. 15 et seq. GDPR:

- You can request information about whether we are processing your personal data. If this is the case, you have a right to information about this personal data, as well as other information related to the processing (Art. 15 DSGVO). Please note that this right to information may be restricted or excluded in certain cases (cf. in particular Art. 10 BayDSG).
- In the event that personal data about you is not (or is no longer) accurate or incomplete, you may request that this data be corrected and, if necessary, completed (Art. 16 DSGVO).
- If the legal requirements are met, you may request the erasure of your personal data (Art. 17 GDPR) or the restriction of the processing of this data (Art. 18 GDPR). However, the right to erasure pursuant to Art. 17 (1) and (2) of the GDPR does not apply if, among other things, the processing of personal data is necessary for the performance of a task, which is in the public interest or in the exercise of official authority (Art. 17(3)(b) GDPR).
- You have the right to complain about the processing of your personal data to a supervisory authority within the meaning of Art. 51 DSGVO. The competent supervisory authority for Bavarian public bodies is the Bavarian State Commissioner for Data Protection, Wagnmüllerstraße 18, 80538 Munich.

2. Right of withdrawal:

Insofar as processing is based on consent, you have the right to revoke your consent at any time. The revocation is only effective for the future; this means that the revocation does not affect the lawfulness of the processing carried out based on the consent until the revocation.

3. Right to object:

For reasons arising from your particular situation, you may also object to the processing of personal data relating to you by us at any time (Art. 21 DSGVO). If the legal requirements are met, we will no longer process your personal data.

§ 3 Usage guideline

The learning platform is made available to the members of the University of Bayreuth free of charge for the uses described under § 1. The users of the platform are obliged to comply with the legal provisions, in particular with regard to data protection and copyright. The use of the platform for advertising purposes, commercial use and profiling within the meaning of the DSGVO is explicitly excluded.

§ 3.1 Special obligations in dealing with personal data

The use of the platform enables access to and processing of personal data of other users. The processing of this data is to be limited to measures necessary for the service and teaching operations of the University of Bayreuth. Users of the platform are obliged to handle all personal data to which they have access with strict confidentiality and not to make it available to third parties or to process it inappropriately. Further processing, for example in the context of research work, requires the information and consent of the persons concerned.

§ 3.2 Copyright

All contents of the platform and posted materials are protected by copyright. The content may not be passed on to third parties without the consent of the copyright holder. Unless otherwise stated, the content is made available exclusively for the students' own study purposes. This applies in particular to film and sound recordings as well as to teaching offers or teaching units that are offered as part of a digital course.

When using and making available copyrighted material in the context of teaching, the legal framework conditions must be observed, in particular those of the German Copyright Act regarding use in the sciences and teaching (Urheberrechts-Wissensgesellschafts-Gesetz). Bayreuth University Library has collected [information on copyright in the context of research and teaching](#).

As the operator of the site, the IT Service Centre reserves the right to delete user content and courses that violate legal provisions.

§ 3.3 Rights management

The assignment of roles and thus access rights in the system can be either automated or assigned by other users.

§ 3.3.1 Assignment by administrators

The role of *administrator* is exclusively assigned to employees of the IT service centre who are entrusted with the administrative support of the system by the head of the IT service centre.

The roles of *Course Creator* and *manager (course area)* are assigned exclusively by the administrators of the system.

The role of *Course Creator* is assigned after an informal application to the support (elarning@uni-bayreuth.de). The role is assigned system-wide to permanent employees of the University of Bayreuth. Students who need to create and manage courses in the system as part of their work as a research assistant receive the role limited to the course area of the organisational unit to be supervised.

The role of *manager (course area)* is only assigned to teaching coordinators of individual departments for their respective department in exceptional cases.

The *TurnitinCheck* role enables the use of the Turnitin functionality in the system. This role is exclusively assigned to university employees upon request via turnitin@uni-bayreuth.de.

§ 3.3.2 Assignments by users - Manual enrolment

Users of the roles *lecturer*, *course admin*, *manager (course area)*, as well as the *administrators* can manually enrol users in their supervised courses and thus assign the roles *instructor*, *course admin*, *non editing lecturer* and *participant*.

§ 3.3.3 Self-assignment by the user - self-enrolment

Users with the roles of *lecturer*, *course admin*, *manager (course area)* and *administrators* can configure self-enrolment in courses. This allows other users to enrol in the course. Depending on the selected configuration, a password may be required and the user is assigned the role of *lecturer*, *course supervisor*, *lecturer without write access* or *participant*, depending on the selected configuration.

§ 3.3.4 Automatic assignment by the system - meta enrolment

Users with the roles of *instructor*, *course supervisor*, *manager (course area)* and *administrators* can configure meta-enrolment in courses. This mirrors the enrolled users and their roles between a source and a target course. The enrolment method therefore automatically assigns the roles of *lecturer*, *course admin*, *non editing lecturer* or *participant*.

§ 3.4 Obligations of users with extended rights

Users with extended rights (e.g. *lecturer* and *course supervisor*, cf. § 2.5) can run and organise their courses largely independently. In doing so, they must ensure that the legal requirements are met, especially in regard to data protection and copyright (see § 3.1 and § 3.2).

§ 3.4.1 Course configuration and access control

When configuring the courses and the associated access control, the responsible users must ensure that access is restricted to the intended group of users.

The configuration of the courses and the associated access control to the user content, profile data, assessment, and completion data, as well as log data in the context of the course is the responsibility of the *course admins* or *lecturers* and the users delegated by them. These settings must be kept up to date.

§ 3.4.2 Legal obligations for employees and civil servants

Employees and civil servants of the University of Bayreuth are subject to the relevant service regulations when processing data in the system. Relevant here are, among others, DSGVO, BayDSG, § 34 BeamtStG, § 11 StGB para. 1 nos. 1-4 and § 353b StGB, as well as the regulations of the respective employment contracts of the employees. When processing data in the course, official secrecy must be maintained, and the following points must be noted:

- (1) It is prohibited to process, disclose, make accessible or otherwise use protected and personal data for any purpose other than the purpose belonging to the respective lawful fulfilment of tasks.
- (2) These duties shall continue after the termination of the activity.
- (3) Violations of data secrecy may be prosecuted under civil service law. They may also be grounds for extraordinary dismissal.

§ 3.5 Use as an examination platform

The system can be used as an examination platform. We have compiled the framework conditions to be observed, as well as information and instructions for holding examinations in the system, in [a course](#) for teachers. The use of the platform as an examination archive is explicitly excluded. Therefore, after the examinations, all data relevant to examination law must be exported from the system by the examiners and saved appropriately.

Examinations must also always be stored and administered in the CampusOnline campus management system in order to enable the assignment of students' examination results.

§ 3.6 Course categories and deletion periods

Various course categories are available in the system to enable thematic and temporal structuring and sorting of the courses. The deletion periods of the individual courses result from the respective course category.

§ 3.6.1 Structure of the course categories

The following course categories are available for courses in the system:

(1) Current & Past Semester:

For creating courses of the respective university semester. Contains subcategories for the faculties and central institutions of the university that offer independent courses. The course areas of the faculties are automatically generated from the organisation tree in CampusOnline. The creation of courses is blocked at the top level in each case.

After the end of a semester, the oldest semester is moved to the archive. The semester change of the synchronisation by the CampusManagement Team is carried out on 15th of December and 01st of June.

(2) Archive

Course area for the archived semesters.

(3) University institutions and organisations

To create courses of all university institutions and organisations without direct teaching reference.

(4) Colloquia / Permanent courses

To create courses for courses that do not have a semester reference.

(5) Programme moderation

Course area for courses on programme moderation and central exchange between programme moderation and students.

(6) E-Assessment

Special course area for information on the topic of e-assessment with and without Moodle and for holding take-home exams via the eLearning system.

(7) Help

Course area for courses for free testing of settings and functions of the system, as well as for courses with instructions and presentations of the functions.

§ 3.6.2 Deletion periods of the course categories

Two different deletion periods are applied to the course areas of the system:

(1) Semester-related course areas

The courses in the areas for the current and past semester as well as in the area of the archive are kept for a total of 10 semesters. This means that the content is available for a complete Bachelor's degree including a consecutive Master's degree in the standard period of study. The deletion of the oldest semester in the archive is announced to the course supervisors and lecturers in good time by e-mail before the deletion is carried out by the system administrators.

(2) Permanent course areas

The courses in the areas without semester reference (university institutions and organisations, colloquia / permanent courses, programme moderation, e-assessment, help) are initially made available for 3 years after their creation. After this period, the courses are marked for deletion for the first time. After the courses have been marked for deletion, all course supervisors and lecturers of the courses will receive an automated notification by e-mail on 2nd of April stating that one or more of their courses have been marked for deletion. The course supervisors and lecturers then have 8 weeks to mark the courses as still required. After the deadline has expired, a final backup is created of courses that have not been marked and the course is then deleted. We keep the backups internally for a further 12 months before they are finally deleted. Courses that are still required are excluded from deletion for 34 months. After the 34 months have expired, we will ask again on the following 2nd of April whether the courses that are still needed are still required.

§ 4 Further regulations

§ 4.1 Amendment of the terms of use

The IT Service Centre of the University of Bayreuth reserves the right to expand and modify these terms of use as required.

Users will be informed of any changes as appropriate. The currently valid version will be published on the learning platform.

§ 4.2 Consequences of misuse

If your misuse or a use that violates the terms of use is determined, the affected user will be informed and requested to cease and desist.

In accordance with § 7 of the IT regulations of the University of Bayreuth, misuse or unlawful use of the system can lead to the restriction of the user authorisation or to the exclusion of use.

§ 5 Responsible bodies

Course administration, course supervision, course content:

The respective lecturers are responsible for the content and operation of the respective courses and course areas within the learning platform (see also § 2.5).

System support:

IT Service Centre
University of Bayreuth
Universitätsstraße 30
95440 Bayreuth

elarning@uni-bayreuth.de

Name and address of the person responsible:

The responsible person within the meaning of the General Data Protection Regulation and other national data protection laws of the member states as well as other data protection regulations is the:

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