



## Law Society of Ireland

### Privacy Statement for Preliminary Exam and Fe1 Exam Applicants

We are the Law Society of Ireland of Blackhall Place, Dublin 7, Ireland (the “**Law Society**”, “**we**”, “**us**”, “**our**”). We are the educational, representative and regulatory body of the solicitors' profession in Ireland.

We take our responsibilities under applicable data protection law, including the General Data Protection Regulation and implementing legislation such as the Data Protection Act 2018 very seriously. The purpose of this notice is to inform you of the data relating to you that we may collect and use in connection with your application to sit and our administration of the Preliminary Examination (“**Preliminary Exams**”) and/or the Final Examination Part 1 (“**Fe1 Exams**”) and the uses (including disclosures to third parties) we may make of such data.

The Law Society is the controller of this personal data. If you have any questions about our use of your personal data, please contact us at [dataprivacy@lawsociety.ie](mailto:dataprivacy@lawsociety.ie)

#### Personal Data that we collect and Process

We will collect and process personal data relating to you in connection with the Preliminary Exams and Fe1 Exams. This personal data may include:

- your name and contact details, including your address, phone number, email address and post code;
- your date of birth;
- your credit/debit card or bank account details;
- photographic identification, including copies of your passport or driving licence;
- where necessary, evidence and details of any disability you may have;
- your examination script and result;
- your Law Society identification number;
- your educational background, including a copy of your degree certificate;
- details of any previous sittings of Preliminary Exams or Fe1 Exams;
- your CCTV data;
- Location data, in terms of your attendance
- any other personal data which you provide to us directly e.g. medical records.

## **Purposes of Processing and Legal Basis**

We will use personal data relating to you for the purposes of:

- processing your application to sit the Preliminary Exams and/or Fe1 Exams;
- ensuring you meet the requirements to sit the Preliminary Exams and/or Fe1 Exams;
- administering the Preliminary Exams and Fe1 Exams, marking your exam scripts, providing you with your results and administering any appeals;
- contacting you in order to provide you with updates in relation to your application;
- where necessary, providing adapted arrangements for applicants with a disability to sit the Preliminary Exams and/or Fe1 Exams;
- generating and analysing statistics regarding the Preliminary Exams and Fe1 Exams;
- the CCTV monitoring of Law Society premises at Blackhall Place to minimise security and safety risks and to assist in the investigation of security and safety incidents;
- to comply with our legal and regulatory obligations.

The legal basis on which we collect, process and transfer your information in the manner described above are:

- that this is necessary for the performance of a contract with you or in order to take steps at your request prior to entering into a contract;
- our legitimate interests in regulating the solicitors' profession in Ireland and ensuring the proper management and functioning of the Law Society. We will not process your personal data for these purposes if to do so would constitute an unwarranted interference with your own interests, rights and freedoms; and
- that this is necessary for compliance with a legal or regulatory obligation that applies to us; and
- our legitimate interest under Article (6)(1)(f) of the GDPR.

The legal bases on which we collect, process and transfer special categories of data relating to you in the manner described above is:

- that you have given your explicit consent to such processing

## **Recipients of Data**

We may disclose your personal data to other organisations in connection with the above purposes, including:

- to third parties who we engage to provide services or benefits to us or to you, such as professional advisers, auditors, and examiners;
- to competent regulatory authorities and other bodies where requested or required by law; and

## Requirement to Provide Data

You are not under a statutory or contractual duty to provide us with any personal data. However, there are some pieces of information that you must provide to us so that we can confirm your eligibility for and process your application to sit the Preliminary Exams and/or Fe1 Exams. If you do not provide us with this information, you may not be permitted to sit the Preliminary Exams and/or Fe1 Exams.

## Retention

We will not hold your data for longer than is necessary. We may retain your personal data for the duration of your relationship with the Law Society and for such period of time thereafter as is necessary to comply with our legal and regulatory obligations.

## Retention Period for Examination Scripts

As examination scripts are personal data, the Society will not hold examination scripts for longer than necessary. Examination scripts will be securely destroyed once all possible rechecks have been exhausted, within six months of the date of publication of the recheck results for the relevant examination sitting.

## Transfers Abroad

In connection with the above we might transfer your personal data outside the European Economic Area, including to a jurisdiction which is not recognised by the European Commission as providing for an equivalent level of protection for personal data as is provided for in the European Union. If and to the extent that we do so, we will ensure that appropriate measures are in place to comply with our obligations under applicable law governing such transfers. These may include entering into a contract governing the transfer that contains the 'standard contractual clauses' approved for this purpose by the European Commission. If you would like to receive further details of the measures that we have taken in this regard, please contact us at [dataprivacy@lawsociety.ie](mailto:dataprivacy@lawsociety.ie)

## Your rights

You have the following rights, in certain circumstances and subject to certain restrictions, in relation to your personal data:

- *Right to access the data* – You have the right to request a copy of the personal data that we hold about you, together with other information about our processing of that personal data.
- *Right to rectification* – You have the right to request that any inaccurate data that is held about you is corrected, or if we have incomplete information you may request that we update the information such that it is complete.
- *Right to erasure* – You have the right to request us to delete personal data that we hold about you. This is sometimes referred to as the right to be forgotten.
- *Right to restriction of processing or to object to processing* – You have the right to request that we no longer process your personal data for particular purposes, or to object to our processing of your personal data for particular purposes.

- *Right to data portability* – You have the right to request us to provide you, or a third party, with a copy of your personal data in a structured, commonly used machine readable format.
- *Right to withdraw your consent* – Where our processing of your personal data is based on you having provided your consent, you have the right to withdraw such consent.

If you wish to exercise any of the rights set out above, please contact us at [dataprivacy@lawsociety.ie](mailto:dataprivacy@lawsociety.ie)

## **Complaints**

If you have any queries or complaints in connection with our processing of your personal data, you can contact us at [dataprivacy@lawsociety.ie](mailto:dataprivacy@lawsociety.ie)

You also have the right to lodge a complaint with the Irish Data Protection Commission if you are not happy with the way we have used your information or addressed your rights. Details of how to lodge a complaint can be found at (<https://www.dataprotection.ie/docs/Contactus/11.htm>) or you can call the Data Protection Commission at 353 (0)761 104 800.

## **Appendix 1**

For the purposes and in relation to Online Examinations and Online Proctoring

### **1. Who is responsible for processing my personal data?**

The Law Society remains as the party responsible for processing your personal data (the 'controller') within the meaning of the General Data Protection Regulation ('GDPR').

### **2. Which (categories of) personal data are processed?**

By using the online examination platform (Better Examinations) and the online proctoring tool (Proctorio) the following personal data will be processed:

- a. name (first, initials and last name);
- b. email address;
- c. image of a photo ID (passport or driving license)
- d. picture, taken through the webcam of students' device;
- e. video and audio recordings of the student and his/her surroundings while taking the exam, recorded by the webcam of students' device;
- f. on-screen activities while making the exam;
- g. keystrokes and mouse movements while making the exam;
- h. the IP address of the computer network to which the device is connected;
- i. students' answers to the exam questions.

### **3. For what purpose will my personal data be processed and on what legal basis?**

Personal data will only be used for the following purposes:

- a. authentication After taking the exam it will be checked if the student can be identified as the individual that partook in the test session;
- b. fraud control. After taking the exam, it will be checked that the student complied with the applicable rules and did not use any unauthorized sources outside of the scope of the exam.

Prior to the exam, the Law Society will define and communicate what will be specifically detected as fraudulent behaviour by the proctoring tool and how this behaviour will be treated;

- c. time frame control. After taking the exam, it will be checked whether the student has completed the exam within the applicable time frame.

We process your personal data on the basis of 'legitimate interest' (article 6.1 (f) GDPR), during the exceptional situation of Covid-19.

This means that the processing is necessary for the purposes of the legitimate interests pursued by the Law Society and that the students' rights and freedoms are adequately protected.

As the Law Society has decided to use online monitoring for remote exams, it is necessary that in conducting these it can:

- verify the identity of the student taking the exam;
- establish that no fraud was committed while the exam was being carried out;
- confirm that the exam was completed within the given time frame.

### **4. Who has access to my personal data?**

The personal data collected during a remote exam with online proctoring will be evaluated with the use of an automated system and will be viewed only by authorized employees of the Law Society who, by virtue of their position as a reviewer, have a role in the processing of your personal data for the above purposes and for whom it is necessary to have access to the personal data in case fraud is suspected (e.g., Members of the Education Committee).

Proctorio does not have access to your data, since all data in the system has been encrypted using an unshared key stored with Better Examinations and can only be unlocked by authorized users of the Law Society

### **5. Will my personal data be shared with third parties?**

The personal data collected within the scope of online proctoring (**see question 2**) is stored on the service providers' (Proctorio) Microsoft Azure-servers in Amsterdam.

The encryption algorithms of Proctorio use double-encryption, this is the process of encrypting an already encrypted message one or more times, either using the same or a different algorithm. This means that your personal data cannot be identified by Proctorio.

Zero-knowledge technology is applied to scramble personal data during transfer and in storage with end-to-end protection of every piece of information that leaves a student's computer during an exam. This means that Proctorio does not know anything about the data stored in their servers.

In the context of this Privacy Statement, your personal data will not be shared with other third parties other than Better Examinations, Proctorio and their sub-processors, unless the Law Society is obliged to do so by law or a court order. The agreements that the Law Society has made with Better Examinations and Proctorio also apply to the (third) parties engaged by the two companies (sub-processors) to provide their services."

#### **6. Will my personal data be transferred to countries outside the European Union?**

No, your personal data will not be transferred to countries outside the European Union.

#### **7. How long will my personal data be stored?**

Your personal data will be stored in the Proctorio servers for 30 days and will be automatically deleted after this period of time. In case of any objection from the student's side, individual data (information in respect of PDF with suspicious behaviour) will be stored during the official period of handling the objection.

The retention period applicable to the exam papers stored within Better Examinations servers is six months.

With regard to the personal data that the Law Society collects and processes for the purposes of authentication, fraud control and time frame control, the following procedure applies:

- The review of the exam session is carried out as soon as possible after the exam has been completed.
- If no identity fraud or exam fraud is suspected, the personal data that has been collected through the system provider Proctorio (see question 2) will be deleted automatically latest 30 days after administering the test.
- If there is suspicion of identity fraud or exam fraud, the personal data that has been collected through the system provider Proctorio (see question 2) will be retained for the period necessary to take a decision on the legitimacy of the result of an examination (including the period in which legal proceedings take place).
- It is necessary to retain the personal data (as described in 2a-i) for clarifying the suspicion of fraud. Suspicion of fraud is based on whether the test taker violates any of the rules communicated by the examination committee concerning fraudulent behaviour during the exam (see 3b).

After the period of legal proceedings has ended, the data will be deleted.

#### **8. How will my personal data be secured?**

The Law Society takes appropriate technical and organizational measures to protect your personal data against unauthorized access, loss and any form of unlawful processing.

#### **9. Who can I contact if I have questions about the processing of my personal data?**

If you have any questions about how your personal data are processed, please check the **FAQ Online exams** document.

#### **10. How can I exercise my privacy rights?**

On the basis of the current GDPR, you have the right - subject to certain conditions - to access the personal data that we process, to correct your personal data if it contains factual inaccuracies, to have your personal data deleted, to limit the processing of your personal data, and to object to the processing of your personal data.

If you wish to exercise any of these privacy rights, or you have any queries or complaints in connection with our processing of your personal data, you can contact us at [dataprivacy@lawsociety.ie](mailto:dataprivacy@lawsociety.ie)

You also have the right to lodge a complaint with the Irish Data Protection Commission if you are not happy with the way we have used your information or addressed your rights. Details of how to lodge a complaint can be found at <https://www.dataprotection.ie> or you can call the Data Protection Commission at 353 (0)761 104 800.

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