

## Privacy Statement “Applicants”

Safeguarding your personal data is very important to us. We strictly comply with all the legal requirements when collecting and processing your personal data.

We process your personal data exclusively within the framework of the provisions of the European General Data Protection Regulation (GDPR) and the Austrian data protection regulations, especially the Austrian data protection law (DSG). We have prepared the following statement to inform you about who we are, how we collect your data and for what purpose, and how we use it.

### Who we are

The data controller or organization entrusted with handling data processing is the FHW Fachhochschul-Studiengänge Betriebs- und Forschungseinrichtungen der Wiener Wirtschaft GmbH (FHWien der WKW).

Address: Währinger Gürtel 97, 1180 Vienna, Austria

E-mail: [servicepoint@fh-wien.ac.at](mailto:servicepoint@fh-wien.ac.at)

E-mail for data protection issues: [datenschutz@fh-wien.ac.at](mailto:datenschutz@fh-wien.ac.at)

### Collection and processing of data

#### *Applications and admissions procedure*

During the application process to study at FHWien der WKW, we process the personal data you have provided us with (in particular such personal data as your name and contact details, which degree program you are applying for, previous education, proof of admission requirements), as well as the information obtained during the application process. You must register online in order to apply.

The legal basis for data processing are pre-contractual measures in accordance with Article 6(1)(b) GDPR. Data processing is initially carried out to check whether the formal admission requirements for the desired program are met and, where applicable, to carry out the admissions procedure. When you register and apply online, your data is processed for the purposes of system access control and user ID management.

The legal basis is Article 6(1)(c) GDPR where data is processed on the basis of a legal obligation (in particular the Austrian Education Documentation Act, or the University and Higher Education Statistics and Education Documentation Ordinance).

In order to provide an up-to-date and functional admissions procedure, the next steps of the admissions procedure – or parts of it – can (also) be carried out online with the support of a video conference system, namely via Microsoft Teams or zoom. When using such a service, we process your personal data if you take part in a video conference (meeting) created by a licensed account with the provider using an @fh-wien.ac.at e-mail address. Data processing is carried out to enable your participation, i.e., to establish and use the connection. Only personal data that is absolutely necessary for usability, corresponding to the selected settings, or depends on your communication behavior is processed. The

use of a microphone, video camera and/or chat function is only necessary insofar as this is required in each individual case or is necessary for the fulfilment of the purpose of the event, and you must then switch on the microphone, video camera and/or chat function via the corresponding application. Otherwise, the microphone, video camera and/or chat function can remain muted or switched off.

For participation in an online meeting, no registration is required, but you will still have to provide information about your name.

Please note that in an online admissions procedure, the introduction to the IT-assisted admissions test, which provides general information, may also be accessible to other applicants. This means that the name you have chosen is also visible to other applicants attending the meeting. The IT-assisted admissions test is administered in breakout rooms where each applicant has a room to themselves. Apart from the applicants, only the test invigilators have access to the breakout rooms. The applicant's identity will also be verified in the breakout room.

Please also note that for certain courses of study, the course-specific section of the admissions process will be in the form of a group interview or group assessment with multiple applicants. If the course-specific part takes place online, the identity of each applicant will be verified in a separate breakout room.

A group interview or group assessment will be held in the course-specific process for the following courses:

- BA Digital Business
- MA Digital Innovation Engineering
- BA Journalism & Media Management
- BA Content Production & Digital Media Management
- MA Journalism & New Media
- BA Tourism and Hospitality Management
- BA Human Resources Management

If the test invigilators suspect that improper means or practices are being used during the online admission process, they may take screenshots and/or short audio or video recordings to serve as evidence of this.

The legal basis for data processing is pre-contractual measures (initiation of a training contract) in accordance with Article 6(1)(b) GDPR. In addition, we (also) rely on legitimate interests in accordance with Article 6(1)(f) GDPR, which lie in the provision of an up-to-date and functioning admissions procedure, in the effective conduct of online meetings, and in the supervision of examinations.

Note: Please note that it is not permitted to take pictures or make other recordings (e.g., screenshots or video recordings) of the meeting or parts of it (e.g., exam questions)!

The provision of personal data is not required by law or contract, but it is necessary for participation in the application process. Failure to provide the data prevents participation in the application procedure and, subsequently, the possibility of completing a learning agreement.

If your application is successful and a learning agreement is concluded between you and FH Wien der WKW, your data will be included in your student file and processed for the purpose of fulfilling the learning agreement and the legal obligations at FH Wien der WKW. The corresponding privacy statement

is available on the website of FH Wien der WKW at <https://www.fh-wien.ac.at/en/about-us/who-we-are/data-protection/>; “students”.

Your data will also be processed after the end of the study period, for example for the purpose of fulfilling legal obligations or for mutual support between FH Wien der WKW and its graduates. You can find more detailed information in the corresponding privacy statement on the FH Wien der WKW website at <https://www.fh-wien.ac.at/fachhochschule/ueber-uns/datenschutz/>; „AbsolventInnen“.

#### *Other purposes*

Some of your data will be used for selected mailings on current topics regarding the study programs and continuing education programs at FH Wien der WKW, as well as on events and offerings for prospective students if you have expressly agreed to such information being sent to you during the registration process. The legal basis is your consent pursuant to Article 6 (1)(a) GDPR. You may revoke your consent at any time by letter or e-mail, so that the processing of your data for this purpose is no longer permitted from the time of receipt of your revocation. The legality of the processing of your data up to the time of revocation remains unaffected by your revocation.

Under certain circumstances, it may be necessary to process your personal data for the purpose of legal action (law enforcement, legal defense). In such cases, the legal basis for processing is Article 17(3)(e) GDPR and the first sentence of Article 6(1)(f) GDPR. Our legitimate interest is law enforcement and legal defense.

#### *Third-country nationals and Regulation on Eligible Groups of Persons*

Under the prerequisites of section 2 sub-section 2 of the FHG (University of Applied Sciences Act), third-country nationals may be required to pay a higher tuition fee, with the exception of persons who fall under the provisions of the Austrian Regulation on Eligible Groups of Persons or hold a residence title/residence permit other than “student”. For the purpose of verifying the exceptional circumstances, it may be necessary for you to disclose the relevant personal data to a third party and to submit the relevant documents.

We are obliged by law to verify the existence of an exception and to ensure that the corresponding amount is limited. For this reason, the processing of personal data, including that of your relatives, may be unavoidable. Their processing for the aforementioned purpose is in any case justified on the basis of Article 6(1)(c) GDPR (legal obligation) and Article 6(1)(f) GDPR (legitimate interests in achieving the purpose).

By providing such personal data and submitting the documents, you confirm that you too can legitimately present a justification for this information or transmission in accordance with Article 6 or (for data of a special category) Article 9 of the EU General Data Protection Regulation. In particular, you confirm that you have obtained any necessary consent from the data subjects in accordance with the provisions of GDPR, and that the data subjects are aware of FH Wien der WKW’s data protection policy, which is available on our website at <https://www.fh-wien.ac.at/fachhochschule/ueber-uns/datenschutz/>.

## Recipient and transfer of data to a third country

The data collected is only used internally by our employees for the purposes described above and is not transferred to external recipients.

In the case of foreign certificates and diplomas, it may be necessary to submit them to the Federal Ministry of Education, Science and Research, the relevant embassies or consulates, or to a university at which you have already obtained an academic degree for the purpose of evaluating your previous education and for the verification of certifications. Without this transmission, it is not possible to check whether the formal admission requirements for the desired course of study have been met. If the recipient is located in a third country, we will base the data transfer on Article 49(1)(b) GDPR for the implementation of pre-contractual measures.

Pursuant to section 16(1)(5) in conjunction with section 27 of the Austrian University Statistics and Education Documentation Ordinance (UHSBV), universities of applied sciences must transfer a variety of data from applicants who have submitted their first binding application for admission to the Provision of Information on Study Programs (BIS). Data from the BIS admissions procedure is shared with the Federal Minister for Education, Science and Research and the Federal Institution Statistics Austria via the Agency for Quality Assurance and Accreditation Austria.

In order to fulfil the purposes described above, contract processors employed by us may also process data on our behalf if they offer sufficient guarantees for the security of the data (e.g., external persons (supervisory authorities, IT service providers) may be called in in connection with the computer-based test).

When referring to data protection regulations of the respective providers, please note that these are external websites that are operated by the respective provider at their own responsibility and that personal data is processed when you visit them:

- We use tools from Microsoft that are provided by Microsoft Ireland Operations Limited, One Microsoft Place, South County Business Park, Leopardstown, Dublin 18, D18 P521, Ireland. No data processing takes place in any third country outside the EU/EEA area, as the storage of personal data is limited to data centers within the European Union. However, we cannot rule out the possibility that, under certain circumstances, data processing may take place outside the EU/EEA. For such a case, the EU standard data protection clauses have been included in the contract as data protection guarantees in accordance with Article 44 et seq. of the EU General Data Protection Regulation (GDPR). Microsoft is also certified under the EU-U.S. Data Privacy Framework. Data transfer is thus (also) permitted on the basis of an adequacy decision by the European Commission. You can access Microsoft's data protection rules at <https://privacy.microsoft.com/de-de/privacystatement>.
- The provider Zoom Video Communications, Inc. transmits data to the USA. Zoom fulfils the data protection guarantees according to Article 44(ff) GDPR by concluding so-called EU standard data protection clauses. Zoom is also certified under the EU-U.S. Data Privacy Framework. Data transfer is thus (also) permitted on the basis of an adequacy decision by the European Commission. Further information on data processing when using Zoom can be found at <https://explore.zoom.us/en/trust/privacy/>

We may also process your personal data for the purpose of asserting our rights, enforcing our legal claims, and/or to be able to defend ourselves against legal claims, and/or to the extent necessary to prevent or prosecute criminal offenses. This means that lawyers, courts and government authorities, in particular, may receive your data in certain cases. The legal basis for such processing is Article 17(3)(e) and Article 6(1)(1)(f) GDPR. Our legitimate interest is law enforcement and legal defense.

### **Retention period**

If you have registered with us to submit an application but have not completed the application procedure, your data will be deleted no later than 180 days after the application deadline. Otherwise, the retention of data is valid until the expiry of the warranty, the statute of limitations, and the statutory retention periods applicable to us. Furthermore, the data may be retained until the settlement of legal disputes in which the data is required for use as evidence.

### **Your legal rights**

Under the GDPR, you are entitled to the following rights under the conditions set out therein:

- Right to obtain information
- Right to rectification or erasure
- Right to restrict processing
- Right to data portability
- Right to revoke your consent

To exercise your legal rights or if you have questions, please contact us via email at [datenschutz@fh-wien.ac.at](mailto:datenschutz@fh-wien.ac.at) or write to FH Wien der WKW, Legal Department, Währinger Gürtel 97, 1180 Vienna

### **Legal remedies**

As the data subject, you are entitled to file a complaint with the relevant supervisory authority if you believe that the processing of your personal data violates European or national data protection laws. In Austria, the Austrian data protection authority, Barichgasse 40-42, A-1030 Vienna, is responsible for such complaints.

**As of: 03/2025**

This document is a translation of the German original. In case of any discrepancy between the English and German versions, the German version shall apply.