



DATA PROTECTION INFORMATION

This data protection information concerns the use of our ELPT language testing software, accessible under <https://onlinetest.lab-106.eu/start-test> (for ELPT3 online users) or <https://elpt.lab-106.eu> (for examiners, raters and authorities)
Data protection is very important to us. See what we do to keep your personal data safe.

We do not use your data...

- **For any kinds of advertising**
We need your contact details (phone / e-mail) to inform you about the result of your language proficiency test. You will not receive any advertising.
- **To share them with third parties**
Once you decide to take the test, your data and the audio/video recordings of your test will only be accessible for the LAB, the assigned examiners / linguists and the competent civil aviation authorities.
We are required by law to give access to these persons / groups of persons, see below.
- **To share them with third-party software**
Our testing system does not use any third-party software or plugins which require transmission of any data. Your data will be stored on our servers, located in the European Union, only. Please note that we do not use Google Analytics during the language test, nor any tracking pixel or other web analysis software will be active during your language test.

Now we would like to answer some of the most important questions regarding data protection and use of data:

What data do we store?

A Language Assessment Body conducts oversight, standardization and quality assurance for language proficiency tests and provides language testing materials. To perform these tasks, the language assessment body needs access to:

Your name, date/place of birth, your ID document, flight crew license details, including license number, license type and issuing authority, your approximate flight experience and focus of flight experience (to select the most appropriate test for you), your contact address (also for billing purposes), phone number and mail (to send the result of the test), the address and VAT ID of your company (if you request a company invoice) and to the audio or video recordings (= result) of your test.

Who has your data, who are we?

Your language test is provided by the language assessment body LAB-106. A language assessment body is an organisation approved under EU aviation law (EASA FCL.055), created with the aim of providing language proficiency tests as well as providing test oversight, quality control and examiner standardization.



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The Language Assessment Body LAB-106 is a branch of the Austrian company DRW Aviation Engineering GmbH, Archenwald 8, 6116 Weer. If you wish to contact us, write an e-mail to: hol@lab-106.eu or call +43 676 7673001

Why do we process your data?

First of all, we need your personal data and the audio or video documentation of your language test to provide our services. The audio allows us to rate your English language abilities, the video documentation is needed to confirm that it is really 'you' who took the test. Therefore, we can only provide our services when you share your data.

Furthermore, applicable law, such as commission regulation (EU) 1178/2011, FCL.055, FCL.1030 and ICAO Doc 9835 require us to collect and store all details regarding your language test. ICAO Doc 9835 stipulates that the test documentation has to be kept at least for the period of validity of your language proficiency endorsement. We therefore store the language test results and your data for a period of 7 years, since L5 language proficiency endorsements will be valid for 6 years. The same provisions also require us to grant access to the competent civil aviation authorities.

Tax law requires us to store details such as billing address, country of residence and (if you requested a company invoice) also company name, VAT ID and address.

Can I limit the use of my data?

As already pointed out, once you decide to take this aviation language proficiency test, the current aviation law, EU and national regulations require us to store your test details for 7 years.

Do we transfer your data to third countries?

All data regarding your language proficiency test will be stored and processed on servers located within the European Union.

What are our data sources?

We only have what you give us. We do not receive or combine data from any other sources. You - respectively your examiner - are the only source. During the enrolment for the test, you fill out an form (either online or with an examiner), giving us some information about yourself and your air crew license. Online users will also upload a copy of their ID. During the test, you will be audio and/or video recorded (please keep in mind that as an online user you need e.g. a laptop with a camera to take the test) and these recordings will also be stored on our servers.

The web system will also note your or your examiners Session-ID, your IP address and of course the date and time of your test. It will also track if there were any software or transmissions errors - hopefully there aren't any.



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Is there any automated decision making, including profiling?

No, there isn't.

Can I complain about the use of my data?

Yes, you can. The Austrian supervisory authority regarding data protection is the 'Datenschutzbehörde'

<https://www.dsb.gv.at/>

Barichgasse 40-42

1030 Wien

Phone: +43 1 52 152-0

E-Mail: dsb@dsb.gv.at

Who has access to that data?

The following persons or organizations will have or may have access to your data:

- **One or more linguists and operational experts** who will assign your final result. Usually, the result will be determined by your language proficiency examiner and one additional linguist. In exceptional cases (e.g. when they disagree) more raters will be assigned by the language assessment body.
- The **head of the language assessment body**
- **Our technicians** (e.g. server administrators) responsible for data storage
- Anonymized extracts may be used during language **examiner standardization** training
It is a vital function of the language assessment body to ensure fairness and reliability of results. Therefore, all the operational experts and linguists are trained and assessed periodically, regarding the accuracy and correctness of the levels which they assign.
- The Austrian civil aviation authority Austro Control GmbH, as the **authority responsible for LAB oversight**
In accordance with FCL.1030, the competent civil aviation authority responsible for examiner oversight always receives access to test details and protocols to conduct examiner oversight duties.
- The civil **aviation authority** that issued or will issue your FCL license
In accordance with FCL.1030, the competent civil aviation authority that issued your pilot license or will issue your pilot license (in case you are in a license transfer process or still a student pilot) receives the test results.



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Your rights regarding data protection

The EU GDPR regulation (general data protection regulation) gives you the following rights:

- **Right to be informed**

You have a right to be informed what kind of data we store and to know who we transmit your data to. This data protection information provides you with all necessary information, regarding:

- who we are
- why we process your data
- what rights you have
- which persons or organizations also have access to your data
- that we store and process your data on servers located within the EU
- the data retention period
- what rights you have regarding your data

- **Right of access**

You may exercise your right of access at any time, asking us what data we have about you or if we have any data about you at all.

To exercise this right, please contact us via e-mail. Exercising this right is free of charge, once per year. Any follow-up request will be answered at your expense.

Please note: We are not allowed to provide you with the audio recording of the language proficiency test, since this would also include the exam questions, which are part of the protected question bank and must not be publicly accessible. In case you wish access to your voice recording to get the results confirmed by a third party, please contact the civil aviation authority Austro Control GmbH to make use of your right to appeal against the language proficiency test result.

- **Right to rectification**

If you find out that any of the data that we have about you is wrong, you have the right to request rectification.

To exercise this right, please contact us via e-mail. Exercising this right is free of charge, to set your data right. Any following requests will be handled at your expense.

Note: Of course, this does not apply to any wrong or incorrect answers that you may give during your language test!

- **Right to erasure**

Please note that we are required by law: commission regulation (EU) 1178/2011 FCL.055 and FCL.1030 as well as ICAO Doc 9835 to store details of all language tests for seven years after the test was taken. Therefore you cannot request the deletion of your data before the end of this period.

After that period, your personal data, including the audio/video documentation of your language test will be automatically deleted. We only keep pseudonymized data after that point for statistical reasons.

- **Right to restrict processing**

Please note that we are required by law: commission regulation (EU) 1178/2011 FCL.055 and FCL.1030 as well as ICAO Doc 9835 to store details of all language tests for 7 years after the test was taken.



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- **Right to data portability**

The EU GDPR (general data protection regulation) includes a right to data portability.

Please note: Since we are not allowed to provide you with the audio/video recording of the language proficiency test, as this would also include the exam questions, which are part of the protected question bank and must not be publicly accessible, we do not have any data which allows porting.

- **Right to object**

The EU GDPR (general data protection regulation) gives you the **right to object** to the use of your personal data for:

- data processing based on legitimate interests or the performance of a task in the public interest/exercise of official authority
- direct marketing (including profiling)
- processing for purposes of scientific/historical research and statistics

We do not use your data for any of the above - therefore, the right to object does not apply.

If you do not want us to process your data at all, don't take a language test with us.

- **Right to revoke your initial consent to data processing**

Before taking the language proficiency test, you receive information about how long and why your data will be processed. By selecting the check box 'I agree to data processing' you explicitly allow us to process your data.

But please note: without processing your data, we would not be able to conduct the test at all. Furthermore, current aviation law also requires us to process and store data of recent language tests. Therefore, your consent is not the only legal basis for data processing and storage.

If you, at a later date, no longer agree to data processing or if you wish to revoke your initial consent to data processing, you may - at any time - inform us about this, contact us via e-mail.

Please note that we are required by law to store your data. Therefore we have to keep your data up to that point to comply with the applicable aviation regulations.

Valid from:
2020 – APR -04