
ICILS 2023
JOINT CONTROLLER AGREEMENT

This Joint Controller Agreement (the "JC Agreement") has been concluded between:

- (1) The International Association for the Evaluation of Educational Achievement duly represented by its Secretariat, established at (1016 EE) Amsterdam, the Netherlands at the Keizersgracht 311 (hereinafter also referred to as "IEA"); and
- (2) Nacionalni centar za vanjsko vrednovanje obrazovanja, Ulica Damira Tomljanovića-Gavrana 11, 10020 Zagreb, Hrvatska (hereinafter also referred to as "Country").

IEA and Country separately also referred to as "Party" and together referred to as the "Parties"

This Joint Controller Agreement is an integral part of the Agreement (as defined below). In the event of any conflict between the provisions of this Joint Controller Agreement and the provisions of the Agreement, the provisions of this Joint Controller Agreement will prevail over the provisions of the Agreement, unless the parties explicitly deviate therefrom.

1. Interpretation

1.1. In this Joint Controller Agreement, the following terms are defined as follows:

- 1.1.1. *"Agreement" means the ICILS 2023 Participation agreement concluded between IEA and Country;*
- 1.1.2. *"Applicable Data Protection Legislation" means the GDPR or other applicable legislation and regulations in the field of data or privacy protection;*
- 1.1.3. *"controller", "data subject", "personal data", "personal data breach", "processing" and "processor" have the meaning as assigned to them in Article 4 of the GDPR;*
- 1.1.4. *"GDPR" means the General Data Protection Regulation (EU) 2016/679;*
- 1.1.5. *"Personal Data" has the meaning as given in Article 2 1.*

2. JOINT CONTROLLERSHIP

- 2.1. In so far as the Country processes or will process personal data within the context of or in connection with the Agreement (the "Personal Data"), the parties agree that IEA and Country act as joint controllers within the meaning of article 26 of the GDPR.
- 2.2. Further to article 26 of the GDPR, Parties have the obligation to jointly determine their respective responsibilities and GDPR compliance in relation to the joint processing of the Personal Data. A description of the processing activities of each of the Parties is set out in Annex 1 (*Description of Processing Activities and each of the Parties' responsibility for related GDPR compliance*) to this Agreement and is an integral part thereof.

3. PROCESSING PERSONAL DATA: GDPR COMPLIANCE

- 3.1. Each of the Parties guarantees that when processing the Personal Data as per the description in Annex 1, it shall respect the obligations set out in this JC Agreement, the obligations in the applicable laws and regulations, including (if applicable) the GDPR.

Security

- 3.2. Each Party shall implement appropriate technical and organisational measures, including a written information security program that complies with applicable laws and regulations, designed to: (i) ensure and protect the security, integrity and confidentiality of the Personal Data; and (ii) protect against any unauthorized processing, loss, use, disclosure or acquisition of or access to any Personal Data.

Data Breaches

- 3.3. The Country will notify IEA as soon as possible of any potential or actual loss of Personal Data and/or any breach of the technical and/or organizational measures taken, but, in any event, within 24 hours after identifying any potential or actual loss and/or personal data breach. In return IEA will notify the Country as soon as possible in case of any (potential) data breach which regards Personal Data of data subjects residing in the Country.
- 3.4. Parties will provide each other with reasonable assistance as required to facilitate the handling of any personal data breach.

Disputes or claims related to Personal Data

- 3.5. If a data subject or a Data Protection Authority bring a dispute or claim concerning the processing of Personal Data against a Party or both Parties, Parties will inform each other about such disputes or claims and will cooperate with each other as far as permitted by the applicable laws and regulations.

4. ADDRESSING RIGHTS OF DATA SUBJECTS

- 4.1. Parties agree to the following procedures to allow data subjects exercise their rights. It should be noted that data subjects are not obliged to follow these procedures and that a data subject may exercise its rights against each of the joint controllers as stipulated in article 26.3 of the GDPR.

General information obligation

- 4.2. Parties agree to inform the data subjects of the processing of Personal Data and the respective role and responsibility of each of the Parties, inter alia by means of use of the IEA

Data Protection Declaration, which will be published on the IEA and the Country websites. This IEA Data Protection Declaration will be provided by IEA to the Country upon first request and will in any event include the existence of this JC Agreement, which will be made available to data subjects upon their first request.

Assessment of data subject requests

- 4.3. Under the GDPR, data subjects have several rights with regard to the processing of their personal data, such as *inter alia* (i) the right of information about and/or access to personal data, (ii) the right to rectify personal data, (iii) the right to erase personal data and (iv) the right to restrict the processing of personal data. However, under article 89 of the GDPR, such rights can be limited by either Union law, or national law if the data processing occurs for the purpose of scientific research.
- 4.4. In order to streamline possible requests of data subjects as much as possible, Parties agree that the Country will put in place one single national e-mail point of contact for data protection queries for ICILS. Country will subsequently forward all data protection issues and/or requests it receives to the following single point of IEA contact e-mail address which shall be used for communication regarding all internal and/or external data protection issues or requests: dataprotection@iea.nl. Any answer to third parties will be jointly coordinated and sent from the central IEA data protection contact.

5. INDEMNITY

Each Party indemnifies the other Party for any direct or indirect damages resulting from any breach of its obligations under this JC Agreement, the Agreement and/or applicable laws and regulations including the GDPR.

6. INTERNATIONAL TRANSFER OF DATA

Parties will not process Personal Data outside of the European Economic Area, unless such processing is compliant with applicable laws and regulations.

7. TERM AND TERMINATION OF THIS JC AGREEMENT

This JC Agreement enters into effect simultaneously with the Agreement and is entered into for the term of the Agreement. This JC Agreement will end automatically on the date on which the Agreement ends, without any separate notification being required for that purpose. Provisions that, by their nature are intended to survive termination of this JC Agreement, will remain in effect after termination.

8. APPLICABLE LAW AND SETTLEMENT OF DISPUTES

This Processing Agreement is governed by the laws of the Netherlands. Disputes will be settled in accordance with the provisions agreed for that purpose in the Agreement.

9. AMENDMENTS

Amendments to this JC Agreement are only valid if the authorized representatives of both parties have agreed to them in writing. If the nature, structure or other relevant aspects of the services provided under the Agreement change, due to which the processing of the Processed Data must also change, or other provisions of this JC Agreement must be amended to ensure that the Applicable Data Protection Legislation is complied with, the authorized representatives of the Parties will enter into mutual consultation to agree upon the required changes in writing and to adjust this JC Agreement accordingly.

10. VALIDITY

If any provision of this JC Agreement proves to be invalid or unenforceable, the other provisions from this JC Agreement will remain valid and applicable. The invalid or unenforceable provision will (i) be adjusted such that its validity and enforceability is ensured, with due observance of the parties' intentions in so far as possible, and (ii) be interpreted as if the invalid and unenforceable part had never been incorporated therein.

EXECUTED by the parties on 19/4/2022

Signed by Dr Dirk Hastedt
a duly authorized
representative of/for and
on behalf of
IEA:



Signed by Vinko Filipović
a duly authorized
representative of/for and
on behalf of
Hrvatska:



Signature

Annex 1

Description of Processing Activities and each of the Parties' responsibility for related GDPR compliance

Processing activities IEA

For which purpose are data collected and processed?

The International Association for the Evaluation of Educational Achievement (IEA) is an international cooperative of national research institutions, governmental research agencies, scholars, and analysts working to research, understand, and improve education worldwide.

The IEA conducts the International Computer and Information Literacy Study (ICILS) 2023 to investigate a question of critical interest today: How well are students prepared for study, work, and life in a digital world? The study measures international differences in students' computer and information literacy (CIL).

During the implementation of ICILS 2023, IEA collects data that are exclusively used for scientific purposes. The IEA provides the Country with guidelines on how to implement the study. These guidelines include survey operations that are GDPR compliant, if followed by the Country. IEA is responsible for GDPR compliant processing of all submitted data by the Country feeding into the public research database and the international report.

Which data are collected by the IEA in the course of ICILS 2023?

In each school participating in ICILS 2023, certain information is requested.

The school principals (or, if a principal is not available, other equally qualified delegates) of participating schools are invited to complete a principal questionnaire in order to provide the study with information about a wide range of issues such as school characteristics as well as ICT resources and support for students and teachers, and guidance and training for ICT provided to school staff.

Teachers of participating schools are invited to complete a teacher questionnaire in order to provide the study with information about issues such as teachers' perception of teacher participation at school, the school environment, Computer and Information Literacy education at school, and a few personal details (age, gender, education, and experience). Teachers who teach a subject related to Computer and Information Literacy are also asked about aspects of their teaching of this learning area.

Prior to the test administration, IEA provides tracking form templates to the Country to gather data on the age, gender and exclusion status of the students in the participating ICILS classes. Tracking forms are used to ensure the correct assignment of assessment materials to the selected students.

Students in the selected ICILS classes are invited to complete the ICILS 2023 student test which measures knowledge and understanding of concepts and issues related to Computer and Information Literacy.

The students in the participating ICILS classes are further asked to complete the ICILS 2023 student questionnaire in order to provide the study with information about students' Computer and Information Literacy at school, information about their ICT facilities and use at home, in school, and outside of school, and a few personal details (gender, age, country of birth, country of birth of their parents/guardians, language(s) spoken at home, parents/guardians main job, parents/guardians level of completed education, socioeconomic background).

The IEA provides the Country with template Data Protection Declarations containing all GDPR relevant information to the respondents in ICILS 2023.

What kind of data are collected?

Data from answers to the questions from every completed ICILS school questionnaire, teacher questionnaire, student questionnaire and ICT coordinator questionnaire are collected. This is done in form of numbers representing selections (for example, a multiple-choice question), or values (for example, a figure for number of students in the target grade).

Furthermore, ICILS 2023 collects test data from participating students in the form of numbers representing selections (for example, a multiple-choice question), text (for example, a direct answer to a question) or an information product in response as part of a computer-based task.

Teacher, ICT coordinator and principal questionnaires are administered electronically online and there is further logging information stored regarding the first and latest log-in time, the number of times a respondent has logged in in total, the browser which was used, the number of the current question, and whether or not the completed questionnaire responses have been submitted.


The ICILS 2023 assessment (administered electronically using the "Assessment Master" provided by RM Results), collects and stores different types of data depending on how students interact with it.

Three general types of data are gathered: Active response data (1), event data (2), and system data (3).

While the same active response data (1) are collected and stored as if the assessment were conducted on paper (answers to multiple-choice and open text answers as well as information products), the Assessment Master collects event (2) and system data (3) in addition.

The event data (2) storage includes the storage of login details, i.e. the time of login, logout or timeout to assessment parts; the storage of time when buttons, selections and other on-screen interfaces are clicked; and the storage of the time of scrolling events, or the use of tools such as an on-screen ruler.

Event data (2) are logged together with the active response data (1), and make up part of the set of data that allows the IEA to analyze the way that students interact with the assessment. (For example, did students spend a long time on solving certain questions, and if so, was there something confusing about the way these were written?)



The Assessment Master further collects system data (3), i.e. the screen resolution and the browser version. These are stored so the IEA can check that the ICILS assessment was carried out under suitable viewing conditions.

The information collected from the participants cannot, in and of itself, be used to identify individual respondents by name. However an international ID system is used to uniquely identify each respondent (school principals, teachers, students, ICT coordinators). The respondent names can be collected by the Country, if allowed within the country. However, respondent names must not be shared with the IEA or any other third parties. The IEA provides the Country with software enabling the Country to submit pseudonymized data. Thus, all submitted data must be pseudonymous, that is: processed in such a manner that the personal data can no longer be attributed to a specific data subject without the use of additional information (any such additional information being kept separately and subject to technical and organizational measures to ensure that the personal data are not attributed to an identified or identifiable natural person).

Where, how and for how long are data from ICILS stored?

ICILS data are stored securely and cannot be accessed by any external persons or systems. Moreover, any employees at IEA who access the data for processing have been suitably briefed on what constitutes an acceptable treatment of data and have signed a confidentiality agreement.

Response data are archived for an indefinite amount of time following the technical and organizational measures described in Annex 2 so that they remain available for scientific and statistical research. These responses eventually result in a database that allows researchers to compare education systems worldwide (see Public accessibility below).

All data arriving for data processing are submitted in pseudonymized form, i.e. without respondent names – only using a random, international ID system.

With whom and how are data from ICILS shared?

Response data are sent from national centers to the IEA, via the web-based collaborative platform Share Point, in pseudonymous form, that is: processed in such a manner that the personal data can no longer be attributed to a specific data subject without the use of additional information (any such additional information being kept separately and subject to technical and organizational measures to ensure that the personal data are not attributed to an identified or identifiable natural person).

ICILS is directed by IEA in Amsterdam and Hamburg and the data analysis occurs there. Response data are required for the analysis but are sent to IEA Amsterdam (?) and IEA Hamburg via the web-based collaborative platform Share Point, in pseudonymous form. IEA employees who access the data for analyses have signed a confidentiality agreement. The IEA safeguards the transfer of the data to third countries, by implementing appropriate and suitable measures such as EC approved Standard Contractual Clauses.

The data are also shared back, again via the web-based collaborative platform Share Point, with the national research centers administering ICILS. The IEA also shares the pseudonymized data with the Country and other participating countries using a secure FTP server. This data become anonymized when respondent names are deleted by the Country.

IEA uses the assessment master system provided by its vendor RM (processor: RM Education Ltd; Address: 142B Park Drive, Milton Park, Abingdon, OX14 4SE, United Kingdom, Company Number - 1148594) to collect the assessment data digitally. All mandatory data processing agreements necessary for the processing of data by RM have been concluded. The IEA safeguards the transfer of the data to its partners in third countries, by implementing appropriate and suitable measures such as a specific Data Processing Agreement and EC approved Standard Contractual Clauses.

Public accessibility

The final international research database will be accessible to the public from the following sites:

<https://www.iea.nl/data> (Hamburg, Germany)

All data in the database are pseudonymous.

Processing activities of Country

For which purpose are data collected and processed?

Reference is made to the purpose of IEA's data collection (see above). The Country collects data on a national level for the purpose of the International IEA Study. The Country is responsible for the survey operations and GDPR compliant processing of its collected data.

The **Nacionalni centar za vanjsko vrednovanje obrazovanja** is administering ICILS 2023 in Hrvatska at the request of, and on behalf of, **Ministarstvo znanosti i obrazovanja**. This is in accordance with one of the functions "**organizira provođenje međunarodnih ispita i međunarodnih komparativnih analiza u obrazovanju**" set out in the **Zakon o Nacionalnom centru za vanjsko vrednovanje obrazovanja** (NN 151/04, 116/21) (which can be viewed in full at: <https://www.zakon.hr/z/324/Zakon-o-Nacionalnom-centru-za-vanjsko-vrednovanje-obrazovanja>).

Which information is requested?

Reference is made to the paragraph which describes which data are collected by the IEA (above). The Country also uses the tracking forms provided by the IEA to collect the names of respondents (students and teachers). Respondent names are not shared with the IEA.

Participation in ICILS is voluntary. Students will not be disadvantaged in any way by non-completion of the questionnaire, and respondents are permitted to skip individual questions or to discontinue answering the questions at any time.

Objections to the processing of data without stating any reason can be made by any participant up to 4 weeks after the tests have been administered.

Any participant who wants to remove or amend their information can contact **Nacionalni centar za vanjsko vrednovanje obrazovanja** (at +385 1 4501 899 or info.centar@ncvvo.hr). If an individual objects to the data processing in the study, no additional data will be collected for that

individual. Some information on objections and exclusions is retained to validate the sample and to inform future administrations (e.g., to see if girls are more likely to object to participation in the study).

Queries related to how personal information is protected can be directed to Karolina Karmely (povjerenstvo-podatci@ncvvo.hr).

A numeric student ID is recorded to uniquely identify each student. The relationship between this ID and the student name, or national registration number is known to the school coordinator and to the **Nacionalni centar za vanjsko vrednovanje obrazovanja**.

The Country is responsible for complying with its local data protection regulations and for following the survey operations procedures as described in the guidelines by IEA. The Country needs to adapt these procedures to fulfil the data protection laws in place in the Country. The Country is responsible for ensuring that respondent names are by no means shared with the IEA or any other third parties. The Country uses the software provided by IEA to ensure that data are submitted in pseudonymized form to IEA.

What kind of data are collected?

Reference is made to the kind of data collected in the IEA section (above).

Where, how and for how long are data from ICILS stored?

The Country will not store the relevant data as specified in the Joint Controller Agreement longer than necessary for the purposes of the International IEA ICILS Study for which the data are collected.

The Country has taken all sufficient organizational and technical measures to ensure safe storage of the data which has been collected for the purposes of the International IEA ICILS Study.

The **Nacionalni centar za vanjsko vrednovanje obrazovanja** will store respondent names securely at our facility in **Zagreb, Hrvatska**. Respondent names will be deleted by the **Nacionalni centar za vanjsko vrednovanje obrazovanja** upon the release of the International ICILS report and no later than the end of December 2025, in line with the **Nacionalni centar za vanjsko vrednovanje obrazovanja**'s data retention policy. From then on, all data with the IEA or sub-contractors becomes anonymized.

With whom and how are data from ICILS shared?

The Country shares the national ICILS data only with persons who have signed a commitment on confidentiality and data protection and are part of its national study or research center, including sub-contractors.

Public accessibility

The final international research database will be accessible to the public from the following sites: <https://www.iea.nl/data> (Amsterdam, Netherlands)

All data in the database are pseudonymous.

