Data Protection Policy (exams)

2021/22

This policy is reviewed annually to ensure compliance with current regulations

Approved/reviewed by	
Emma Pearce	
Date of next review	October 2022

Purpose of the policy

This policy details how The Pines School, in relation to exams management and administration, ensures compliance with the regulations as set out by the Data Protection Act 2018 (DPA 2018) and UK General Data Protection Regulation (GDPR).

The delivery of examinations and assessments involve centres and awarding bodies processing a significant amount of personal data (i.e. information from which a living individual might be identified). It is important that both centres and awarding bodies comply with the requirements of the UK General Data Protection Regulation and the Data Protection Act 2018 or law relating to personal data in any jurisdiction in which the awarding body or centre are operating.

In these *General Regulations* reference is made to 'data protection legislation'. This is intended to refer to UK GDPR, the Data Protection Act 2018 and any statutory codes of practice issued by the Information Commissioner in relation to such legislation. (JCQ General Regulations for Approved Centres (section 6.1) **Personal data**)

Students are given the right to find out what information the centre holds about them, how this is protected, how this can be accessed and how data breaches are dealt with.

All exams office staff responsible for collecting and sharing candidates' data are required to follow strict rules called 'data protection principles' ensuring the information is:

- used fairly and lawfully
- used for limited, specifically stated purposes
- used in a way that is adequate, relevant and not excessive
- accurate
- kept for no longer than is absolutely necessary
- handled according to people's data protection rights
- kept safe and secure

To ensure that the centre meets the requirements of the DPA 2018 and UK GDPR, all candidates' exam information – even that which is not classified as personal or sensitive – is covered under this policy.

Section 1 – Exams-related information

There is a requirement for the exams office(r) to hold exams-related information on candidates taking external examinations. For further details on the type of information held please refer to *Section 5 below.*

Candidates' exams-related data may be shared with the following organisations:
- Awarding bodies
- Joint Council for Qualifications
- Department for Education; Local Authority; Consortium

This data may be shared via one or more of the following methods:
- hard copy
- email
- secure extranet site(s) – eAQA, AQA Centre Services, OCR Interchange, ASDAN Portal.
- Management Information System (MIS) provided by SIMS sending/receiving information via electronic data interchange (EDI) using A2C (https://www.jcq.org.uk/about-a2c) to/from awarding body processing systems.

This data may relate to exam entries, access arrangements, the conduct of exams and non-examination assessments, special consideration requests and exam results/post-results/certificate information.

Section 2 – Informing candidates of the information held

The Pines School ensures that candidates are fully aware of the information and data held.

All candidates are:
- informed via letters and Class Dojo communications.
- given access to this policy via the centre website or a hard copy by request.

Candidates are made aware of the above at the start of KS4 when they begin a curriculum pathway leading to a vocational qualification, or, where candidates are following GCE and GCSE qualifications, when the entries are submitted to awarding bodies for processing.

At this point, the centre also brings to the attention of candidates the annually updated JCQ document Information for candidates – Privacy Notice which explains how the JCQ awarding bodies process their personal data in accordance with the DPA 2018 and UK GDPR (or law relating to personal data in any jurisdiction in which the awarding body or centre are operating).

Candidates eligible for access arrangements which acquire awarding body approval are also required to provide their consent by signing the GDPR compliant JCQ candidate personal data consent form (Personal data consent, Privacy Notice (AAO) and Data Protection confirmation) before access arrangements approval applications can be processed online.

Section 3 – Hardware and software

The table below confirms how IT hardware, software and access to online systems is protected in line with DPA & GDPR requirements.

Hardware	Date of purchase and protection measures	Warranty expiry
Desktop computer, Laptop, Chromebook, iPads.	Microsoft Windows updates and patches as released; Sophos antivirus updated daily	N/A

Software/online system	Protection measure(s)
MIS	Protected usernames and passwords; centre administrator has to approve the creation of new user accounts and determine access rights
Internet browser(s)	Student web filter; regularly updated firewall and anti-virus software
Awarding body secure extranet sites	Protected usernames and passwords; centre administrator has to approve the creation of new user accounts and determine access rights
A2C	Installed only on centre administrator's computer

Section 4 – Dealing with data breaches

Although data is handled in line with DPA/GDPR regulations, a data breach may occur for any of the following reasons:

- loss or theft of data or equipment on which data is stored
- inappropriate access controls allowing unauthorised use
- equipment failure
- human error
- unforeseen circumstances such as a fire or flood
- hacking attack
- 'blagging' offences where information is obtained by deceiving the organisation who holds it
- cyber-attacks involving ransomware infections

If a data protection breach is identified, the following steps will be taken:

1. Containment and recovery

Emma Peace, Headteacher will lead on investigating the breach.

It will be established:

- who needs to be made aware of the breach and inform them of what they are expected to do to assist in the containment exercise. This may include isolating or closing a compromised section of the network, finding a lost piece of equipment and/or changing the access codes
- whether there is anything that can be done to recover any losses and limit the damage the breach can cause. As well as the physical recovery of equipment, this could involve the use of back-up hardware to restore lost or damaged data or ensuring that staff recognise when someone tries to use stolen data to access accounts
- which authorities, if relevant, need to be informed

2. Assessment of ongoing risk

The following points will be considered in assessing the ongoing risk of the data breach:

- what type of data is involved?
- how sensitive is it?
- if data has been lost or stolen, are there any protections in place such as encryption?
- what has happened to the data? If data has been stolen, it could be used for purposes which are harmful to the individuals to whom the data relates; if it has been damaged, this poses a different type and level of risk
- regardless of what has happened to the data, what could the data tell a third party about the individual?
- how many individuals' personal data are affected by the breach?
- who are the individuals whose data has been breached?
- what harm can come to those individuals?
- are there wider consequences to consider such as a loss of public confidence in an important service we provide?

3. Notification of breach

Notification will take place to enable individuals who may have been affected to take steps to protect themselves or to allow the appropriate regulatory bodies to perform their functions, provide advice and deal with complaints.

4. **Evaluation and response**

Once a data breach has been resolved, a full investigation of the incident will take place. This will include:

- reviewing what data is held and where and how it is stored
- identifying where risks and weak points in security measures lie (for example, use of portable storage devices or access to public networks)
- reviewing methods of data sharing and transmission
- increasing staff awareness of data security and filling gaps through training or tailored advice
- reviewing contingency plans

Section 5 – Candidate information, audit and protection measures

For the purposes of this policy, all candidates' exam-related information – even that not considered personal or sensitive under the DPA/GDPR – will be handled in line with DPA/GDPR guidelines.

An information audit is conducted annually.

The table below details the type of candidate exams-related information held, and how it is managed, stored and protected

Protection measures may include:
- password protected area on the centre's intranet
- secure drive accessible only to selected staff
- information held in secure area
- updates undertaken when patches released

Section 6 – Data retention periods

Details of retention periods, the actions taken at the end of the retention period and method of disposal are contained in the centre's Exams Archiving Policy which is accessible on the school's website.

Section 7 – Access to information

(with reference to ICO information https://ico.org.uk/your-data-matters/schools/exam-results/)

The GDPR gives individuals the right to see information held about them. This means individuals can request information about them and their exam performance, including:

- their mark
- comments written by the examiner
- minutes of any examination appeals panels

This does not however give individuals the right to copies of their answers to exam questions.

Requesting exam information

Requests for exam information can be made Emma Pearce in writing. ID will need to be provided if he candidate is unknown to current staff.

The GDPR does not specify an age when a child can request their exam results or request that they aren't published. When a child makes a request, those responsible for responding should take into account whether:

- the child wants their parent (or someone with parental responsibility for them) to be involved; and
- the child properly understands what is involved.

The ability of young people to understand and exercise their rights is likely to develop or become more sophisticated as they get older. As a general guide, a child of 12 or older is expected to be mature enough to understand the request they are making. A child may, of course, be mature enough at an earlier age or may lack sufficient maturity until a later age, and so requests should be considered on a case by case basis.

A decision will be made by Emma Pearce as to whether the student is mature enough to understand the request they are making, with requests considered on a case by case basis.

Responding to requests

If a request is made for exam information before exam results have been published, a request will be responded to:

- within five months of the date of the request, or
- within 40 days from when the results are published (whichever is earlier).

If a request is made once exam results have been published, the individual will receive a response within one month of their request.

Third party access

Permission should be obtained before requesting personal information on another individual from a third-party organisation.

Candidates' personal data will not be shared with a third party unless a request is accompanied with permission from the candidate and appropriate evidence (where relevant), to verify the ID of both parties, provided.

In the case of looked-after children or those in care, agreements may already be in place for information to be shared with the relevant authorities (for example, the Local Authority). The centre's Data Protection Officer will confirm the status of these agreements and approve/reject any requests.

Sharing information with parents

The centre will take into account any other legislation and guidance regarding sharing information with parents (including non-resident parents), as example guidance from the Department for Education (DfE) regarding parental responsibility and school reports on pupil performance:

- Understanding and dealing with issues relating to parental responsibility www.gov.uk/government/publications/dealing-with-issues-relating-to-parental-responsibility/understanding-and-dealing-with-issues-relating-to-parental-responsibility
- School reports on pupil performance www.gov.uk/guidance/school-reports-on-pupil-performance-guide-for-headteachers

Publishing exam results

When considering publishing exam results, The Pines School will make reference to the ICO (Information Commissioner's Office) https://ico.org.uk/your-data-matters/schools/exam-results/ Can schools give my exam results to the media for publication?

Section 8 – Table recording candidate exams-related information held

For details of how to request access to information held, refer to section 7 of this policy (**Access to information**)

For further details of how long information is held, refer to section 6 of this policy (**Data retention periods**)

Information type	What personal/sensitive data is/may be contained in the information	Where information is stored	How information is protected	Retention period
Access arrangements information	- Candidate name - Candidate DOB - Gender - NHS Numbers - Data protection notice (candidate signature) - Diagnostic testing outcome(s) EHCP Outcomes - Specialist report(s) (may also include candidate address) - Evidence of normal way of working	Access Arrangements Online MIS Lockable metal filing cabinet	Secure user name and password In secure office (SENCo)	After the deadline for EARs
Attendance registers copies	- Candidate name - Candidate number - Candidate tier information (where applicable)	The exams office	In secure office	After the deadline for EARs
Candidates' scripts	- Candidate name - Candidate number - Candidate tier information Candidate assessment data	Classrooms Staff learning rooms The exams office	Lockable cabinets within staff learning rooms and classrooms The exams office is always locked	After the deadline for EARs
Candidates' work	- Candidate name - Candidate number	Classrooms Staff	Lockable cabinets within staff learning rooms and	After the deadline for

Information type	What personal/sensitive data is/may be contained in the information	Where information is stored	How information is protected	Retention period
	• Candidate tier information Candidate assessment data	learning rooms The exams office	classrooms The exams office is always locked	EARs
Certificates	• Candidate name	The exams office	Lockable metal cabinet	2 years after
Certificate destruction information	• Candidate name • Candidate number • Unique Candidate Identifier	The exams office	Lockable metal cabinet. The exams office is always locked	
Certificate issue information	• Candidate name	The exams office	Lockable metal cabinet	
Conflicts of Interest records	• Candidate name	The exams office	The exams office is always locked. Lockable metal cabinet	After the deadline for EARs
Entry information	• Candidate name • Candidate number • Candidate tier information	MIS Exams Officer's computer The exams office	Secure user name and password In secure area solely assigned to exams	After the deadline for EARs
Exam room incident logs	• Candidate name • Candidate number • Description of incident	The main exam venue The exams office	In possession of lead invigilator The exams office is always locked	After the deadline for EARs and/or appeals have been exhausted
Invigilator and facilitator training records	• Invigilator name • Attendance	The exams office	The exams office is always locked. Lockable metal cabinet	After the deadline for EARs
Overnight supervision	• Candidate name • Candidate number	The exams office	The exams office is always locked. Lockable metal	After the deadline for EARs

Information type	What personal/sensitive data is/may be contained in the information	Where information is stored	How information is protected	Retention period
information	• Details of overnight supervision arrangements • Candidate address • Candidate contact details		cabinet	
Post-results services: confirmation of candidate consent information	• Candidate name • Candidate number	The exams office	The exams office is always locked. Lockable metal cabinet	After the deadline for EARs
Post-results services: requests/outcome information	• Candidate name • Candidate number • Qualification grades and marks Candidate answers to questions	IT network Awarding body secure extranet site Staff learning rooms Classrooms The exams office	Secure user name and password Lockable cabinets within staff learning rooms and classrooms The exams office is always locked. Lockable metal cabinet	After the deadline for EARs
Post-results services: scripts provided by ATS service	• Candidate name • Candidate number	Exams Officer's computer The exams office	Secure user name and password The exams office is always locked	After the deadline for EARs and/or appeals have been exhausted
Post-results services: tracking logs	• Candidate name • Candidate number	Exams Officer's computer The exams office	Secure user name and password The exams office is always locked.	After the deadline for EARs and/or appeals have been exhausted
Private candidate information	• Candidate name • Candidate number	MIS Exams Officer's	Secure user name and password	After the deadline for EARs and/or appeals

Information type	What personal/sensitive data is/may be contained in the information	Where information is stored	How information is protected	Retention period
	• Candidate UCI • Candidate ULN • Candidate DoB Gender Candidate timetable	computer Awarding body secure extranet site The exams office	The exams office is always locked.	have been exhausted
Resolving timetable clashes information	• Candidate name • Candidate number • Candidate UCI • Candidate timetable	MIS Exams Officer's computer The exams office	Secure user name and password The exams office is always locked.	After the deadline for EARs and/or appeals have been exhausted
Results information	• Candidate name • Candidate number • Candidate UCI • Candidate ULN • Candidate • DoB • Qualification grades	MIS Exams Officer's computer The exams office Awarding body secure extranet site Teacher reports	Secure user name and password In secure area solely assigned to exams Lockable cabinets within staff learning rooms and classrooms	After the deadline for EARs and/or appeals have been exhausted
Seating plans	• Candidate name • Candidate number • Candidate UCI	Exams Officer's computer The exams office	Secure user name and password The exams office is always locked	After the deadline for EARs and/or appeals have been exhausted
Special consideration information	• Candidate name • Candidate number • Candidate UCI • Candidate DoB • Medical details (if applicable) Safeguarding	Awarding body secure extranet site The exams office	Secure user name and password The exams office is always locked	After the deadline for EARs and/or appeals have been exhausted

Information type	What personal/sensitive data is/may be contained in the information	Where information is stored	How information is protected	Retention period
	information (if applicable)			
Suspected malpractice reports/outcomes	• Candidate name • Candidate number • Candidate UCI • Qualification codes • Personal details as pertaining to the incident Evidence	Exams Officer's computer The exams office Awarding body malpractice dept.	Secure user name and password The exams office is always locked Secure Email correspondence with awarding body	
Transferred candidate arrangements	• Candidate name • Candidate number • Candidate • UCI • Candidate • ULN Entry codes • Tier information (where applicable)	The exams office Awarding body extranet Previous school	Secure user name and password The exams office is always locked Secure Email correspondence with awarding body	
Very late arrival reports/outcomes	• Candidate name Candidate number Entry codes	The exams office Awarding body	Secure user name and password Email correspondence with awarding body The exams office is always locked	