

Data Protection policy (Exams)



THE EARLS HIGH SCHOOL
AD 1652

Author	Data/Exams Manager	Date: October 2022
Approved by:	LGB	Date: 31.01.23
Signature of LGB Chair		
Last reviewed on:	31 st January 2021	
Next review due by:	October 2023	

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1. Purpose of the policy

This policy details how The Earls High 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 JCQ's [General Regulations for Approved Centres](#) (section 6.1) 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.

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.

2. Exams-related information

There is a requirement for the exams office 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 (JCQ)
- Department for Education
- Local Authority
- Multi Academy Trust
- Press

This data may be shared via one or more of the following methods:

- hard copy
- email
- secure extranet site(s) – AQA Centre Services; OCR Interchange; Pearson Edexcel Online; WJEC Secure Website
- Management Information System (MIS) provided by ESS 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.

3. Informing candidates of the information held

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

All candidates are:

- informed via Teams, assemblies, electronic communication via email/Teams
- given access to this policy via the website and Teams and on written request

Candidates are made aware of the above at the start of their course of study leading to a vocational qualification, or, where candidates are following a GCSE/BTEC 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 require awarding body approval using Access Arrangements online are also required to provide their consent by signing the GDPR compliant JCQ candidate personal data consent form before approval applications can be processed online.

4. 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
Network Server	Microsoft Windows updates and patches as released; Windows Defender antivirus updated daily Only IT has administrator password to make changes to system

Software/online system	Protection measure(s)
MIS	Protected username and passwords, MIS Administrator creates new accounts and determines access rights.
Internet Browser	Google Chrome, Firefox, Microsoft Edge
Awarding Body secure extranet sites	Protected usernames and passwords: Exams Officer approves the creation of new user accounts and determines access rights
A2C	Installed only on the Exams Officer's computer

5. 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:

5.1. Containment and recovery

The head of Centre 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

5.2. 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?

5.3. 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.

5.4. 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

6. 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 regularly.

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 to include updating antivirus software, firewalls, internet browsers etc.)

7. 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 available/accessible on Teams.

8. Access to information

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 Head of Year 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 Earls High School 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**

Publishing exam results

When considering publishing exam results, The Earls High 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? Schools, universities and colleges information <https://ico.org.uk/your-datamatters/schools/> on Publishing exam results

9. 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 Data protection notice (candidate signature) Diagnostic testing outcome(s) Specialist report(s) (may also include candidate address) Evidence of normal way of working	Access Arrangements Online MIS Lockable metal filing cabinet Exams Office	Secure user name and password Exams Office keypad to access In secure office (SENCo)	To be returned to ALS/SENCo as records owner at end of the candidate's final exam series.
Attendance registers copies	Candidate name Candidate number Candidate tier information	The Exams Office	Locked filing cabinet	After EAR Deadline
Candidates' scripts PPE's	Candidate name Candidate number Candidate tier information	Kept by teachers/The exams office	Lockable cabinets within staff learning rooms and classrooms Students are forbidden from entering staff learning rooms The exams office is always locked	n/a
Candidates' work	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 Students are forbidden from entering staff learning rooms The exams office is always locked	After the EAR deadline

Information type	What personal/sensitive data is/may be contained in the information	Where information is stored	How information is protected	Retention period
Certificates	Candidate Name Candidate number Candidate DoB Unique Candidate Identifier (UCI) Qualification grades	The Exams Office filing cabinet	Locked cabinet with the exams office	Minimum of 12 months
Certificate issue information	Candidate name and signature	The Exams office	Locked filing cabinet	Minimum of 12 months from last signature
Conflicts of Interest records	Staff information and awarding body details	The Exams office	Locked filing cabinet	Minimum of 12 months
Entry information	Candidate name Candidate number Candidate tier information (where applicable)	MIS Hard copies in filing cabinet	Secure file and password protected Locked filing cabinet	To be retained until after the deadline for RoRs or until any appeal, malpractice or other results enquiry has been completed, whichever is later.
Exam room incident logs	Candidate name Candidate number Details of incident involving candidate(s)	The main exam venue The exams office	In possession of the invigilator The exams office is always locked	To be retained until after the deadline for RoRs or until any appeal, malpractice or other results enquiry has been completed, whichever is later.
Invigilator and facilitator training records	Invigilator name Attendance	The exams office	Exams office door is keypad entrance	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
Overnight supervision information	Candidate name Candidate number Details of overnight supervision arrangements Candidate address Candidate contact details	The exams office	Exams office door is keypad entrance	After the deadline for EARs and/or appeals have been exhausted
Post-results services: confirmation of candidate consent information	Candidate Name Candidate number	The exams office	Exams office door is keypad entrance	After the deadline for EARs and/or appeals have been exhausted
Post-results services: requests/outcome information	Candidate name Candidate number Qualification grades and marks Candidate answers to questions	The exams office	Secure file and password protected Locked filing cabinet	After the deadline for EARs and/or appeals have been exhausted
Post-results services: scripts provided by ATS service	Candidate name Candidate number Qualification grades and marks Candidate answers to questions	The exams office	Secure file in Locked filing cabinet	After the deadline for EARs and/or appeals have been exhausted
Post-results services: tracking logs	Candidate Name Candidate number	The exams office	Exams office keypad protected	After the deadline for EARs and/or appeals have been exhausted
Private candidate information	Candidate name Candidate number Candidate UCI	MIS Awarding body secure extranet site	Secure user name and password The exams office is keypad protected	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
	Candidate ULN Candidate DoB Gender Candidate timetable	The exams office		
Resolving timetable clashes information	Candidate name Candidate number Candidate UCI Candidate timetable	Mis Awarding body secure extranet site The exams office	Secure user name and password The exams office is keypad protected	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 Local Borough Information press	Secure user name and password In secure area solely Lockable cabinets Via confidential email As above Via a confidential press release. With explicit permission from students and parents, to use any student photos and information	After the deadline for EARs and/or appeals have been exhausted
Seating plans	Plans showing the seating arrangements of all candidates for every exam taken Candidate name Candidate number	MIS Exams Officer's computer The exams office Each exam venue	Secure user name and password The exams office is always locked kept with invigilator and returned to Exams Office after each session	To be retained until after the deadline for EARs or until any appeal, malpractice, or other results enquiry has been completed, whichever is later
Special consideration information	Candidate name	Awarding body secure extranet site	Secure user name and password	To be retained until after the deadline for EARs or

Information type	What personal/sensitive data is/may be contained in the information	Where information is stored	How information is protected	Retention period
	Candidate number Candidate UCI Candidate DoB Medical details (if applicable) Safeguarding information (if applicable)	The exams office	The exams office is always locked	until any appeal, malpractice, or other results enquiry has been completed, whichever is later
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 Email correspondence with awarding body	To be retained until after the deadline for EARs or until any appeal, malpractice, or other results enquiry has been completed, whichever is later
Transferred candidate arrangements	Candidate name Candidate number Candidate UCI Candidate ULN Entry codes Tier information (where applicable)	Exams Officer's computer The exams office Awarding body	Secure user name and password The exams office is keypad protected Correspondence with awarding body	To be retained until after the deadline for EARs or until any appeal, malpractice, or other results enquiry has been completed, whichever is later
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 keypad protected	To be retained until after the deadline for EARs or until any appeal, malpractice, or other results enquiry has been completed, whichever is later

Information type	What personal/sensitive data is/may be contained in the information	Where information is stored	How information is protected	Retention period
				completed, whichever is later