Data Protection Policy (Exams)

2022/23

This policy is reviewed annually to ensure compliance with current regulations

Approved/reviewed by	
Mr A Hammersley (Headteacher) Signed	
Date of next review	April 2024

Key staff involved in the policy

Role	Name(s)
Head of centre	**Mr A Hammersley**
Exams officer	**Ms S Powell**
Senior leader(s)	**Mr P Cairns, Mrs L Wood, Mr S Porter, Mr J Haworth**
IT manager	**Mr P Smillie**
Data manager	**Mr M Reed**

Purpose of the policy

This policy details how Academy@Worden, 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.

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 (JCQ)
- Department for Education

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/EduqasSecure Website
- SIMS
- A2C

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

Academy@Worden ensures that candidates are fully aware of the information and data held.

All candidates are:

- informed via an assembly and exam information on Synergy
- given access to this policy via the Academy's website

Candidates are made aware of the above when entries are submitted to the awarding bodies

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 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 computers Laptops	File servers back up every 24hrs Antivirus password protected Backed up twice a day by shadow copy	N/A

Software/online system	Protection measure(s)
Windows active directory	IT manager has full oversight of pupil access. Any sites accessed by pupils is monitored and also some sites are banned.
SIMS A2C Awarding bodies Secure sites	Protected password and username Can only access A2C with secure passcode from the awarding body secure website Awarding body secure sites require a secure login made up of upper and lower case letters and numbers. Also advise to change password regularly

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

Mark Reed (DPO) 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 every 12 months.

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
- antivirus is cloud based and updates daily, Internet browsers update automatically when there is an update

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 Academy's Exams Archiving Policy which is accessible from the Exam Policy folder which is held with the Exams Officer and also an electronic version is on the Academy website and T-drive.

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 to the Exams Officer via email, phone call or in person. When collecting the exam information if the candidate is unknown to staff, they are asked to bring in ID. Or if the candidate has nominated another person to collect the exam information the candidate must give permission in writing for that individual to collect their information and the individual must bring ID.

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 the Head of Centre 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.

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	Information description (where required)	What personal/sensitive data is/may be contained in the information	Where information is stored	How information is protected	Retention period
Access arrangements information	Assessor's information regarding access arrangements for exams	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 SIMS Lockable metal filing cabinet	Secure username and password Username and password In secure office	
Alternative site arrangements					
Attendance registers copies	Registers for exams	Candidate name Candidate number	Kept in a lockable filing cabinet	In a secure office	Kept until the deadline for ROM has passed or until any appeal has been completed
Candidates' work	Candidates work for NEAs	Candidate name Candidate DOB	Candidate online work will be saved in their area Art/graphic work will be kept with the teacher	Secure username and password In locked classroom	Kept until the deadline for ROM has passed or until any appeal has been completed

Information type	Information description (where required)	What personal/sensitive data is/may be contained in the information	Where information is stored	How information is protected	Retention period
Centre consortium arrangements for centre assessed work		Candidate name Candidate DOB Candidate number	Candidate online work will be saved in their area Art/graphic work will be kept with the teacher	Secure username and password In locked classroom	Kept until the deadline for ROM has passed or until any appeal has been completed
Certificates	Certificates from Awarding Bodies	Candidate name Candidate DOB Candidate number GCSE Results	Lockable storage	Locked in the exam storage	12 months
Certificate destruction information		Candidate name Candidate DOB Candidate number	Excel spreadsheet	Secure login and password	n/a
Certificate issue information		Candidate name	Candidate names from awarding body, kept with certificates	Secure storage	12 months
Conflicts of interest records		Candidate name Candidate number Teacher details	Kept with exams officer in lockable cupboard Excel spreadsheet	Secure storage Username and password required	Kept until the deadline for ROM has passed or until any appeal has been completed
Entry information		Candidate name Candidate number	Awarding body A2C SIMS	All sites require a secure username and password	12 months
Exam room incident logs	Logs kept during exams recording any incidents	Candidate name	Exams officer office	Locked office	Kept until the deadline for ROM has passed or until any

Information type	Information description (where required)	What personal/sensitive data is/may be contained in the information	Where information is stored	How information is protected	Retention period
					appeal has been completed
Invigilator and facilitator training records		Invigilator name Contact details	Exam officers' office Lockable cupboard	Locked office	12 months
Post-results services: confirmation of candidate consent information		Candidate name Candidate number	Lockable cupboard in the exam officers office	Lockable office	Kept until the deadline for ROM has passed or until any appeal has been completed
Post-results services: requests/outcome information		Candidate name Candidate number	Lockable cupboard in the exam officers office Awarding body SIMS	Lockable office Secure login Secure login	Kept until the deadline for ROM has passed or until any appeal has been completed
Post-results services: scripts provided by ATS service		Candidate name Candidate DOB Candidate number	Scripts given to teacher	Locked office	Kept until the deadline for ROM has passed or until any appeal has been completed
Post-results services: tracking logs		Candidate name	Lockable cupboard in the exams office	Lockable office	Kept until the deadline for ROM has passed or until any appeal has been completed

Information type	Information description (where required)	What personal/sensitive data is/may be contained in the information	Where information is stored	How information is protected	Retention period
Resolving timetable clashes information		Candidate name Exam information	SIMS exam organiser on a desk top computer	Secure login and password	Kept until the deadline for ROM has passed or until any appeal has been completed
Results information		Candidate name Exam information	Paper copy SIMS Exam organiser	Locked in Exam Office Secure login and password	Kept until the deadline for ROM has passed or until any appeal has been completed
Seating plans		Candidate name	Excel spreadsheet	Secure login and password	Kept until the deadline for ROM has passed or until any appeal has been completed
Special consideration information	Details of where a candidate has had a disadvantage during or leading up to an examination	Candidate name Candidate DOB Candidate number Special consideration details	Awarding body With the Exams officer	Secure password and login Locked in secure cupboard	Kept until the deadline for ROM has passed or until any appeal has been completed
Suspected malpractice reports/outcomes		Candidate name Candidate DOB Candidate number Details and evidence of malpractice	Awarding body On the exam officers desktop computer Filing cabinet in exam officers office	Secure login and password Secure office	Kept until the deadline for ROM has passed or until any appeal has been completed
Very late arrival reports/outcomes		Candidate name Candidate DOB	Awarding body	Secure login and password	Kept until the deadline for ROM has passed

Information type	Information description (where required)	What personal/sensitive data is/may be contained in the information	Where information is stored	How information is protected	Retention period
		Candidate number Details of lateness	On exam officers computer In a lockable cupboard	Secure username and password Secure office	or until any appeal has been completed