

# **Data Protection Policy**

## **(Exams)**

### **2020/21**

Amended: November 2020

Approved by Governors: November 2020

Review date: September 2021

Reviewing Panel: Standards, Staffing and Curriculum (SSC)

### Key staff involved in the policy

<b>Role</b>	<b>Name(s)</b>
Head of centre	<b>David Wright</b>
Exams officer	<b>Honor Dignan-Roth (Exams and Data)</b>
Senior leader(s)	<b>Ethan Roberts, Seddeer Amran, Emma Jordan, Nicola White, Hannah Tuna, Sarah Fowler, Jonathan Newby</b>
IT manager	<b>Matt Connelly</b>
Data Protection	<b>Donald Wykes</b>

## Purpose of the policy

This policy details how [insert centre name], in relation to exams management and administration, ensures compliance with the regulations as set out by the Data Protection Act 2018 (DPA 2018) and General Data Protection Regulation (GDPR).

At the date of reviewing these regulations, although the UK has left the European Union the General Data Protection Regulation still has a direct effect within the UK (JCQ's General Regulations for Approved Centres (GR, 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
- not transferred outside the European Economic Area without adequate protection

To ensure that the centre meets the requirements of the DPA 2018 and 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 – Candidate information, audit and protection measures*.

Candidates' exams-related data may be shared with the following organisations:

- Awarding bodies
- Joint Council for Qualifications (JCQ)
- LRS
- Essex County Council
- Department for Education
- Takely End Trust
- PiXL

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

- hard copy
- email
- eAQA; OCR Interchange; Pearson Edexcel Online; WJEC Secure Website; City & Guilds Walled Garden; PiXL online, NCFE Online Portal, Trinity Online Portal, LiNX (VTCT)
- Capita SIMS sending and receiving information via electronic data interchange (EDI) using A2C (<https://www.jcq.org.uk/about-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

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

All candidates are:

- informed via candidate handbook, private candidate information letter
- given access to this policy via Woodlands School website

Candidates are made aware of the above prior to exam entries being made, upon receipt of private candidate information letter.

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 GDPR.

Candidates eligible for access arrangements 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
CC4 Network - Desktop computer	Purchase Date: 28/11/2013 Antivirus scan (daily, automatic) Antivirus updated (Every 4 hours, automatic) Software restriction policies (instant, automatic).	N/A
CC4 Network - Laptop	28/11/2013 Antivirus scan (daily, automatic) Antivirus updated (Every 4 hours, automatic) Software restriction policies (instant, automatic).	N/A
Admin Network – Desktop computer	[10/01/2014] Antivirus (Sophos) daily scans Antivirus (Sophos) daily updates (every 5 hours) Hardware checked regularly (4 weeks)	N/A

Software/online system	Protection measure(s)
RM CC4 Network: Server Operating System - Windows 2008 R2	Servers are kept in a secure location restricted to specific staff. Logins for the servers are protected by passwords.
Admin Network: Server Operating System – Windows 2008 R2	Server is kept in a secure location restricted to specific staff. Login for the server is protected by a password.
MIS (SIMS)	Access level determined by permission level (as set by the Head). Usernames are protected by passwords.
A2C	Unique keycodes given by exam board to secure login Loaded onto Exam Officers PC which is protected by personal username and password
Awarding body extranets: Pearson AQA OCR NCFE WJEC NCFE Portal Trinity College LINX VTCT	Exam officer managers account permissions for the school Unique usernames and personal passwords
Online Analysis tools – PAM & SMID	Systems are set for an embargo day as per MIS Personal accounts set up with secure username and password
PiXL	Username and Password Managed by SLT

## 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

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

### 1. Containment and recovery

Donald Wykes (Data Protection Officer), Honor Dignan-Roth (Exams Officer) & David Wright (Head of Centre) will lead on investigating the breach.

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 at every year groups parent evening.

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 every day –
  - Antivirus (updated every 4 hours, scanned daily)
  - Windows updates (as provided by Microsoft)
- Basedata is refreshed a 2 to 3 times throughout the year

## **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 [insert e.g. Exams archiving policy] which is available/accessible from [insert who and/or where].

## **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 results, 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 Mrs Honor Dignan-Roth (Data and Exams Manager) and Mr Ethan Roberts (Deputy Headteacher) in writing.

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.

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 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 results have been announced, 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 or the establishment requests the information in the form of a CTF file via school2school for post 16 education.

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](http://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](http://www.gov.uk/guidance/school-reports-on-pupil-performance-guide-for-headteachers)

## Publishing exam results

When considering publishing exam results, Woodlands School will make reference to the ICO (Information Commissioner's Office) Schools, universities and colleges information <https://ico.org.uk/your-data-matters/schools/> on Publishing exam results.

(Publishing examination results is a common and accepted practice. Many students enjoy seeing their name in print, particularly in the local press and the GDPR does not stop this happening. However, under the GDPR schools have to act fairly when publishing results, and where people have concerns about their or their child's information being published, schools must take those concerns seriously.

Schools should make sure that all pupils and their parents or guardians are aware as early as possible whether examinations results will be made public and how this will be done. Schools should also explain how the information will be published. For example, if results will be listed alphabetically, or in grade order.

In general, because a school has a legitimate reason for publishing examination results, pupils or their parents or guardians do not need to give their consent to publication. However, if you have a specific concern about publication of your results, you have the right to object. Schools should consider objections from pupils and parents before making a decision to publish. A school would need to have a good reason to reject someone's objection to publication of their exam results.)

### OR

Woodlands School will publish exam results to the media or within the centre (e.g. on an honours board) in line with the following principles:

- Refer to guidelines as published by the Joint Council for Qualifications
- Act fairly when publishing results, and where people have concerns about their or their child's information being published, taking those concerns seriously
- Ensure that all candidates and their parents/carers are aware as early as possible whether examinations results will be made public and how this will be done
- Explain how the information will be published. For example, if results will be listed alphabetically, or in grade order

As Woodlands School will have a legitimate reason for publishing examination results, consent is not required from students or their parents or guardians for publication. However, if a student or their parents or guardians have a specific concern about publication of their results, they have the right to object. This objection must be made in writing to David Wright (Headteacher), who will consider the objection before making a decision to publish and reply with a good reason to reject the objection to publish the exam results.

## 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		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	Secure user name and password <b>Secure archiving container on school grounds</b>	<b>25 Years</b>
Alternative site arrangements		Candidate name Candidate number	Lockable metal filing cabinet	Folder is kept in a lockable filing cabinet	After post result services for that season or alternatively any appeals
Attendance registers copies		Candidate name Candidate number	Folders	Folder is kept in a lockable filing cabinet	After post result services for that season or alternatively any appeals

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
Candidates' scripts		Candidate name Candidate number	Unless permissible to use in the classroom, scripts will be kept electronically in a designated folder	Folder password protected in exams officer work area only,	After post result services for that season or alternatively any appeals
Candidates' work		Candidate name Candidate number	Return to Subject teachers after the publication of results for teachers to keep in Lockable metal filing cabinet	Exam store room while exams have finished until publication day  When with subject teachers in a lockable filing cabinet.	After post result services for that season or alternatively any appeals
Certificates		Candidate name Candidates Signature on collection log	Lockable filing cabinet	In secure area solely assigned to exams	Minimum of 12 months.
Certificate destruction information		Candidate name	In a folder stored in a lockable filing cabinet	Keeping the filing cabinet locked at all times	5 years from issue date
Certificate issue information		Candidate name Candidate signature	<b>Lockable filing cabinet</b>	<b>Keeping filing cabinet locked at all times</b>	5 years from issue date
Conflicts of Interest records		Staff name Staff signature Candidate name	Lockable filing cabinet	Keeping filing cabinet locked at all times	After post result services for that season or alternatively any appeals

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
Entry information		Candidate name Candidate number Candidate DOB Candidate UCI/ULN	In a folder stored in a lockable filing cabinet  Electronic excel file	Keeping the filing cabinet locked at all times  Password protect the file	After post result services for that season or alternatively any appeals
Exam room incident logs		Candidate name Candidate number Invigilator name Invigilator signature	In a folder  Electronic scanned copy to send to examining bodies	In a lockable filing cabinet  On the exam officers secure work area password protected	After post result services for that season or alternatively any appeals
Invigilator and facilitator training records		Staff names Staff signatures	in a folder (confirmation of attendance)	In a lockable file cabinet	Assessment records along with appraisals are kept for 5 years
Overnight supervision information		Candidate name Candidate's supervisor signature Head of Centre signature	In a folder  Electronic scanned copy to examining body	In a lockable filing cabinet  Password protected in the exam officers secure work area	After post result services for that season or alternatively any appeals
Post-results services: confirmation of candidate consent information		Candidate name Candidate signature	Signed document in a folder	Kept in a lockable filing cabinet.	After post result services for that season or alternatively any appeals

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
Post-results services: requests/outcome information		Candidate name Candidate Signature	Outcomes are updated on an excel tracking sheet  Outcomes sent to pupils by post	Password protected in exam officers secure work area	To be retained until after the deadline for EARs or until any appeal, malpractice or other results enquiry has been completed, whichever is later
Post-results services: scripts provided by ATS service		Candidate name Candidate Number	Files downloaded electronically from exam board	Saved electronically in the exam officers secure work area and password protected	Until the end of the ATS service
Post-results services: tracking logs		Candidate name Candidate number			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	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
Private candidate information		Candidate name Candidates DOB Candidate email address Candidate address Candidate UCI and/or ULN number Candidate telephone number Candidate signature	On a document in a folder	Folder kept in a lockable filing cabinet	To be retained until after the deadline for EARs or until any appeal, malpractice or other results enquiry has been completed, whichever is later
Resolving timetable clashes information		Candidate name Candidate number	File created electronically	Saved in the exam officers secure work area password protected	After post result services for that season or alternatively any appeals
Results information		Candidate name Candidate demographics (LAC/SEN etc) Candidate UCI/UPN/ULN numbers	Electronic Excel/Word /PDF/PowerPoint files	Saved secure to exam officers work area password protect  Send via encrypted email to Senior staff  Senior staff save to own secure work area password protect	Records for current year plus previous 6 years to be retained as a minimum.

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
Seating plans		Candidate name Candidate Access Arrangements Invigilator signatures	Paper records kept in a folder	Kept in a lockable cabinet	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 Candidate sensitive information (case dependent) such as medical NHS number, scanned copy of medical letters which could include date of births and addresses, crime reference numbers etc	Information is stored electronically – scanned PDF files	The files saved in the exam officers work area and password protected.	After post result services for that season or alternatively any appeals
Suspected malpractice reports/outcomes		Candidate name Staff Name Staff signature	In a folder	In a lockable filing cabinet	After post result services for that season or alternatively any appeals

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
Transferred candidate arrangements	Transferred candidate arrangements	Candidate name Candidate Number Host Centre HOC/EO Signature Entering Centre HOC/EO Signature	Electronically online via JCQ secure portal	JCQ send it encrypted to exam boards	To be retained until the transfer arrangements are confirmed by the awarding body.
Very late arrival reports/outcomes	Very late arrival reports/outcomes	Candidate name Candidate Number Staff Signature	Electronically online via JCQ secure portal	JCQ send it encrypted to exam boards	After post result services for that season or alternatively any appeals



Signed: \_\_\_\_\_  
Head Teacher

November 2020

Dated: \_\_\_\_\_



Signed: \_\_\_\_\_  
Chair of Governors

November 2020

Dated: \_\_\_\_\_

