

General Data Protection Regulation policy (exams)

2024/25

This policy is annually reviewed to ensure compliance with current regulations

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| Approved/reviewed by |
|  |
| Date of next review |  |

Key staff involved in the General Data Protection Regulation policy

**General Data Protection Regulation policy (exams) template**

**Delete this text box when the information contained here is understood**

**Changes made to the contents of this template since the previous (2017/18) version are highlighted for easy identification.**

This template has been provided as an example **only** and is intended to provide a starting point/framework on which to build a GDPR policy for exams-related information.

To ensure GDPR compliance, an organisation needs to identify and record

* the information it holds on an individual
* the personal/sensitive data on an individual this information contains
* how the information is managed, stored and protected
* how the information can be accessed by an individual and third parties
* how and when the information is disposed of
* how any security breaches will be dealt with

This template only provides a suggestion of how the above could be achieved in a centre and refers to information relating to the external examination process (You may also wish to include information relating to the internal examination process where/if relevant). Ideally you should liaise with the person in your centre assigned the role of Data Protection Officer to ensure compliance (in relation to exams-related information) is achieved.

The table (in Section 3) provides suggestions **only** in relation to hardware and software; add to the list or delete items as relevant to your centre.

In the table (Section 8) the list of information types provided **is not exhaustive** and has been taken from the table of record types detailed in the example [Exams Archiving Policy template](http://theexamsoffice.org/key-documents/)**.** If your centre has made use of this template and added/deleted any record types, then remember to match the information types in this table.

***The premise behind the publication of this template is to promote good practice in the handling of data - even that which does not come under any data protection regulations.***

Grey font provides example suggestions as illustration of how the tables could be completed – keep or edit this information accordingly; change the font colour to automatic

**Customise** the template to reflect ways of working and types of information held and managed in your centre in line with any centre-wide Data Protection Policy.

For more information and guidance consult the [Information Commissioner’s Office](https://ico.org.uk/) (for Education organisations see <https://ico.org.uk/for-organisations/education/>)

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| **Role** | **Name(s)** |
| Head of centre | **Mrs Vanessa Whitcombe** |
| Exams officer | **Mrs Pauline Cleary** |
| Exams officer line manager (Senior Leader) | **Miss Louise Cassels** |
| Data Protection Officer | **Mr Mike Vaughn** |
| IT manager | **Mr Ian Messal** |
| Data manager | **Mr Dan Course** |

Purpose of the policy

This policy details how Castle Manor Academy, 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).

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](https://www.jcq.org.uk/exams-office/general-regulations/) (section 6.1) **Personal data**)

It is the responsibility of the centre to inform candidates of the processing that the centre undertakes. For example, that the centre will provide relevant personal data including name, date of birth, gender to the awarding bodies for the purpose of examining and awarding qualifications.

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
* Department for Education; Local Authority; Multi Academy Trust; Consortium; the Press

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

* hard copy
* email
* secure extranet site(s) –. eAQA; OCR Interchange; Pearson Edexcel Online, NcFE, WJEC Portal
* Management Information System (MIS) provided by Capita 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 including controlled assessments and coursework, special consideration requests and exam results/post-results/certificate information.

Section 2 – Informing candidates of the information held

Castle Manor Academy ensures that candidates are fully aware of the information and data held.

All candidates are:

* informed via electronic communication
* given access to this policy via centre website, written request.

Candidates are made aware of the above at the start of a course, or when the registrations/entries are submitted to awarding bodies.

Materials which are submitted by candidates for assessment may include any form of written work, audio and visual materials, computer programmes and data (“Student Material”). Candidates will be directed to the relevant awarding body’s privacy notice if they require further information about how their Student Materials may be used by the awarding body.

# 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.

 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 computerLaptop | 2019 antivirus checked monthly by I Messal (IT)  2019 antivirus checked monthly by I Messal (IT)  | 1 year |

|  |  |
| --- | --- |
| Software/online system | Protection measure(s) |
| SIMS | Protected usernames and passwords. Centre administrator approves creation of user accounts and determine access rights. Regularly checks firewall/antivirus software. |
| Go4Schools | Protected usernames and passwords. Centre administrator approves creation of user accounts and determine access rights. Regularly checks firewall/antivirus software. |
| Awarding body secure extranet sites. | Protected usernames and passwords. Exam boards approve creation of user accounts and access. |
| A2C | Protected usernames and passwords. Exam boards approve creation of user accounts and access. |

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**

The GDBR lead (Jackie Taylor) 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
1. **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?
1. **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.

1. **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 every month (this may include updating antivirus software,
* firewalls, internet browsers etc.)

Section 6 – Access to information

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.

**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

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**

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| 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](https://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**

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| When considering publishing exam results, Castle Manor Academy will make reference to the ICO (Information Commissioner’s Office) **Education and Families** <https://ico.org.uk/your-data-matters/schools/exam-results/> Can schools give my exam results to the media for publication?**OR****Castle Manor Academy** 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 Castle Manor Academy will have a legitimate reason for publishing examination results, consent is not required from students or their parents/carers for publication. However, if a student or their parents/carers have a specific concern about publication of their results, they have the right to object. This objection must be made in writing to Head of Centre, 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 nameCandidate DOBGenderSigned candidate personal data consent formDiagnostic testing outcome(s)Specialist report(s) (may also include candidate address)Evidence of normal way of working | Access Arrangements OnlineMISExams Office  | Secure user name and password In secure area solely assigned to exams | Until school leaver and then 1 year after |
| Attendance registers copies |  | Candidate nameCandidate examinations number | Exams office. Metal filing cabinet | In secure area solely assigned to exams |  |
| Candidates’ scripts |  |  |  |  |  |
| Candidates’ work  |   | Candidate nameCandidate examinations number | Exams office. Metal filing cabinet | In secure area solely assigned to exams |  |
| Certificates |  | Candidate nameCandidate DOB | Examinations office. In metal cupboard | In secure area solely assigned to exams |  |
| Certificate destruction information |  .  |  Candidate nameCandidate DOB |  Exams Office | Secure shredding |  |
| Certificate issue information |  | Candidates name | **Exams Office** | **In secure office exams** |  |
| Conflicts of interest records |  | Staff name | **Exams Office** | **In secure office exams** |  |
| Entry information |  | Candidate nameCandidate examinations numberDOB |  MIS**Metal filing cabinet** | Secure user name and password |  |
| Exam room incident logs  |  | Candidate name | **Exams Office****Metal filing cabinet** | **In secure office exams** |  |
| Invigilator and facilitator training records |  | Invigilator name/telephone/address and training certificates | **Exams Office****Metal filing cabinet** | **In secure office exams** |  |
| Overnight supervision information |  | Candidate nameCandidate examinations number | **Exams Office****Metal filing cabinet** | **In secure office exams** |  |
| Post-results services: confirmation of candidate consent information |  | Candidate nameCandidate examinations number | **Exams Office****Metal filing cabinet** | **In secure office exams** |  |
| Post-results services: requests/outcome information |  | Candidate nameCandidate examinations numberGrade information | MISMetal filing cabinet | **In secure office exams**Secure user name and password |  |
| Post-results services: scripts provided by ATS service  |  | Candidate nameCandidate examinations numberGrade information | MISMetal filing cabinet | **In secure office exams**Secure user name and password |  |
| Post-results services: tracking logs |  | Candidate nameCandidate examinations number | MISMetal filing cabinet | **In secure office exams**Secure user name and password |  |
| Private candidate information |  | Candidate nameCandidate examinations numberAddress / DOB and ID | MISMetal filing cabinet | **In secure office exams**Secure user name and password |  |
| Resilience arrangements:Evidence of candidate performance |  | Candidate nameCandidate examinations number | **Exams Office** | **In secure office exams** |  |
| Resolving timetable clashes information |  | Candidate nameCandidate examinations number | MISMetal filing cabinet | **In secure office exams**Secure user name and password |  |
| Results information |  | Candidate nameCandidate examinations numberGrade information | MISMetal filing cabinet | **In secure office exams**Secure user name and password |  |
| Seating plans |  | Candidate NameCandidate examinations numberAccess arrangement | Exams office. Metal filing cabinetMIS | **In secure office exams**Secure user name and password |  |
| Special consideration information |  | Candidate nameCandidate examinations number | MISMetal filing cabinet | **In secure office exams**Secure user name and password |  |
| Suspected malpractice reports/outcomes |  | Candidate nameCandidate examinations number | MISMetal filing cabinet | **In secure office exams**Secure user name and password |  |
| Transferred candidate arrangements |  | Candidate nameCandidate examinations number | MISMetal filing cabinet | **In secure office exams**Secure user name and password |  |
| Very late arrival reports/outcomes |  | Candidate nameCandidate examinations number | Exams office. Metal filing cabinet | **In secure office exams** |  |