

DATA PROTECTION POLICY

(Exams)

2023/24

This policy is reviewed annually to ensure compliance with current regulations

Approved/reviewed by	
JXM	
Date of next review	Nov 24

Key staff involved in the policy

Role	Name(s)
Head of centre	Mia Lowney
Exams officer	Briony Seymour
Senior leader(s)	James MacKay
IT manager	Ian Clarke
Data manager	Beth Berney

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Purpose of the policy

This policy details how St Andrew's 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.

Section 1 – Exams-related information

There is a requirement for the exams officer 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; and the Press
- West Sussex County Council
- Academy Sponsor (if applicable)

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
- Bromcom sending/receiving information via electronic data interchange (EDI) using A2C (<https://www.jcq.org.uk/about-a2c>) to/from awarding body processing systems
- 4Matrix & FFT

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

St Andrew’s High School ensures that candidates are fully aware of the information and data held.

All candidates are:

- informed via **electronic communication, namely the student examination handbook**
- given access to this policy via centre website

Candidates are made aware of the above at the start of a course leading to a vocational qualification, or, where candidates are following 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 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
Staff PCs Staff laptops Servers	Variety of purchase dates for PC’s & laptops Servers purchased 2015 Protection measures include: Antivirus on all hardware which is up to date Backups Operating System renewed every 2 years	For staff PC’s & laptops 3 years from purchase, various expiry dates which is monitored by the network manager For Servers the warranties are out of date.
Software/online system	Protection measure(s)	
Bromcom	Access controlled by username & password Accounts have specific access rights Administrator accounts regularly reviewed and monitored. Restricted access to admin level privileges. Access requests go through an approval process. Local admin rights restricted to reduce client’s ability to run executables. Inactive or no longer required user accounts are disabled. Archive and deletion is depending on user’s role and need for making data available for ex-students.	

School network & email	Students are encouraged to change their passwords regularly. Rules for password setting (use a mix of upper/lower case letters and numbers) Firewall & antivirus software
A2C	Access controlled by username & password for computer login and Bromcom login.
Internet	All internet browsing takes place on a controlled connection, based on rules set for education.
Awarding Bodies (AQA, Pearson, WJEC, & OCR)	Access controlled by username and password Accounts have specified access rights Centre administrator has to approve the creation of new user accounts and determine access rights.

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

James MacKay - Data Protection Officer 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 as and when required (this may include updating antivirus software, firewalls, internet browsers etc.)

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 available/accessible from **centre 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 to Briony Seymour, Exams Officer in [writing/email](#). [ID confirming name, address & date of birth will need to be confirmed if a former 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 James MacKay, [Deputy Head](#), 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 already approved by parents in line with the Whole School GDPR Policy (Please refer to the whole school GDPR Policy).

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

St Andrew's 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 St Andrew's school 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 James MacKay, DPO, 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 username and password In secure office (SENCo)	To be retained until the end of the current examination series or until after the deadline for Post results services or the resolutions of any outstanding enquiries, appeals or malpractice investigations.
Alternative site arrangements		Candidate name, candidate number	Exam Officer's Office	Under secure lock	12 months
Attendance registers copies		Candidate name, candidate number	In exam secure storage area	Under double secure lock	To be retained until the deadline for post results services or the resolution of any outstanding enquiries/ appeals for the relevant exam series
Candidates' scripts		Candidate name, candidate number	In exam secure storage area	Under double secure lock	Until collected by secure and agreed postage, e.g. parcel force 'yellow label'

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' work		Candidate name, candidate number	To be immediately returned to subject staff as records owner. To be stored safely and securely along with work that did not form part of the moderation sample [including materials stored electronically] until after the deadline for EARs or the resolution of any outstanding enquiries/appeals or malpractice investigations for the exam series.	Locked in a secure filing cabinet	12 months
Centre consortium arrangements for centre assessed work		N/A	N/A	N/A	N/A
Certificates		Candidate name, candidate number	Exam Officer's Office	Under secure lock	12 months
Certificate destruction information		Candidate name, candidate number	Exam Officer's Office	Under secure lock	Forever
Certificate issue information		Candidate name, candidate number	Exam Officer's Office	Under secure lock	Forever
Conflicts of interest records		Staff name Candidate name	Exam Officer's Office	Under secure lock	To be retained until the deadline for Post results services or the resolution of any outstanding enquiries/appeals for the relevant exam series

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	Exam Officer's Office	Under secure lock	Digital copies stored on exams database indefinitely.
Exam room incident logs		Candidate name, candidate number	Exam Officer's Office	Under secure lock	To be retained and accessible for Post results services or the resolution of any outstanding enquiries/appeals for the relevant exam's series.
Invigilator and facilitator training records		Invigilator Name Invigilator address & Phone number	Exam Officer's Office, on BromCom	Under secure lock, only accessible by restricted access	Whilst in employment
Overnight supervision information		Candidate Name Candidate DOB Candidate Address	If applicable would be in the Exam Officer's office	Under secure lock	To be retained for JCQ inspection and until after the deadline for Post results or the resolutions of any outstanding enquiries, appeals or malpractice.
Post-results services: confirmation of candidate consent information		Candidate Name Candidate DOB	Exam Officer's Office	Under secure lock	Post results consent to be retained for at least six months following the outcome of the enquiry or any subsequent appeal. ATS consent to be retained for at least six months from the date consent given.
Post-results services: requests/outcome information		Candidate Name Candidate DOB	Exam Officer's Office / School system	Under secure lock / restricted access	6 months
Post-results services: scripts provided by ATS service		Candidate name, candidate number	Electronically	Restricted access	12 Months

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: tracking logs		Candidate name, candidate number	Electronically	Restricted access	12 Months
Private candidate information		Candidate name, candidate number, address and photocopy of proof of ID	If applicable in the Exam Officer's office	Under secure lock	12 Months
Resolving timetable clashes information		Candidate name, candidate number	Electronically & Exam Officer's Office	Under secure lock / restricted access	To be retained on file until the end of the exam series or to be retained and accessible for Post Results Services or the resolution of any outstanding enquiries/appeals for the
Results information		Candidate name, candidate number	Exam Officer's Office & Electronically	Under secure lock	Records for the current year, plus previous 6 years to be kept as a minimum
Seating plans		Candidate name, candidate number	Exam Officer's Office	Under secure lock	To be retained and accessible for Post results services or the resolution of any outstanding enquiries/appeals for the relevant exam's series.
Special consideration information		Candidate name, candidate number	Exam Officer's Office	Under secure lock	To be retained and accessible for Post results services or the resolution of any outstanding enquiries/appeals for the relevant exam's series.

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
Suspected malpractice reports/outcomes		Candidate name, candidate number	Exam Officer's Office	Under secure lock	To be retained and accessible for Post results services or the resolution of any outstanding enquiries/appeals for the relevant exam's series.
Transferred candidate arrangements		Candidate name, candidate number	Exam Officer's Office	Under secure lock	To be retained and accessible for Post results services or the resolution of any outstanding enquiries/appeals for the relevant exam's series.
Very late arrival reports/outcomes		Candidate name, candidate number	Exam Officer's Office	Under secure lock	To be retained and accessible for Post results services or the resolution of any outstanding enquiries/appeals for the relevant exam's series.