

 **Data Protection Policy (Exams)**2022/24

This policy is reviewed annually to ensure compliance with current regulations

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| Approved/reviewed by |
| Dr Kevin Bawn |
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| --- | --- |
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**Key staff involved in the policy**

Contents

[Key staff involved in the policy 1](#_Toc109747259)

[Purpose of the policy 3](#_Toc109747260)

[Section 1 – Exams-related information 3](#_Toc109747261)

[Section 2 – Informing candidates of the information held 4](#_Toc109747262)

[Section 3 – Hardware and software 4](#_Toc109747263)

[Section 4 – Dealing with data breaches 5](#_Toc109747264)

[Section 5 – Candidate information, audit and protection measures 6](#_Toc109747265)

[Section 6 – Data retention periods 6](#_Toc109747266)

[Section 7 – Access to information 6](#_Toc109747267)

[Section 8 – Table recording candidate exams-related information held 9](#_Toc109747268)

**Purpose of the policy**

This policy details how Clyst Vale Community College, 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](https://www.jcq.org.uk/exams-office/general-regulations/) (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)
* Dual Registered centres
* Local Authority
* The press

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

* hard copy
* email
* secure extranet site(s) – e.g., AQA Centre Services; OCR interchange; Pearson Edexcel Online WJEC Secure Website
* our Management Information System (MIS) provided by Capita SIMS for sending/receiving information via electronic data interchange (EDI) using A2C (<https://www.jcq.org.uk/about-a2c>) to/from awarding body processing systems; etc.

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**

Clyst Vale Community College ensures that candidates are fully aware of the information and data held.

All candidates are:

* informed via our centre newsletter, electronic communications, and school assemblies
* given access to this policy via our website

Candidates are made aware of the above at the start of a course leading to a vocational qualification, or, where candidates are following GCE and 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 - Informing candidates of the information held**

The table below confirms how IT hardware, software and access to online systems is protected in line with DPA & GDPR requirements.

|  |  |  |
| --- | --- | --- |
| **Hardware** | **Data of purchase and protection measures** | **Warranty expiry** |
| Desktop computers and laptops which can connect to the secure college network | IT Dept maintain the hardware and update the antivirus software on an ongoing basis.  | N/A |

|  |  |
| --- | --- |
| **Software/online system** | **Protection measure(s)** |
| SIMS - School Management Information SystemAwarding Body secure extranet site(s); A2C | Protected usernames & passwords, regular re-setting of passwords, EO creates all new users for AO secures sites and deletes obsolete accounts.IT Dept perform regular checks of Firewall and Antivirus software. |

**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**

The 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
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 have been 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.

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 regularly by the IT Department (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 the Exams Officer.

**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 or Data Protection Officer in writing or via email. If a former candidate requires information, they will need to provide photographic ID before any information is released.

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 are already 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 legislation and guidance regarding sharing information with parents (including non-resident parents), for 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**

Clyst Vale Community College will publish exam results to the media or within the centre 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.

As Clyst Vale Community College 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 the Exams Officer (as outlined in the college handbooks).

**Section 7 – Table recording candidate exams-related information held**

For details of how to request access to information held, refer to section 8 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 |
| --- | --- | --- | --- |
| Access arrangements information | Candidate nameCandidate DOBGenderData protection notice (candidate signature)Diagnostic testing outcome(s)Specialist report(s) (may also include candidate address)Evidence of normal way of working | Access Arrangements OnlineMISWithin Additional Support office  | Secure username and password Secure username and passwordIn secure office  |
| Alternative site arrangements | Candidates’ names & Exam’s information | Securely in the Exams OfficeMIS | Secure key card needed to get into Exams OfficeSecure username and password |
| Attendance registers copies | Candidate names & numbers with exam entry information | Securely in the Exams OfficeMIS | Secure key card needed to get into Exams OfficeSecure username and password |
| Candidates’ scripts | Candidate nameExam Number | Securely in the Exams Office | Secure key card needed to get into Exams Office |
| Candidates’ work  | Candidate nameCandidate DOBGenderExam Number | Securely in the Exams Office | Secure key card needed to get into Exams Office |
| Centre consortium arrangements for centre assessed work | Candidate nameGenderExam Number | Securely in the Exams Office | Secure key card needed to get into Exams Office |
| Certificates | Candidates’ names and results | Securely in the Exams Office | Secure key card needed to get into Exams Office |
| Certificates destruction information | Candidates’ names and results | Securely in the Exams Office |  |
| Certificate issue information | Candidates’ names | Securely in the Exams Office | Secure key card needed to get into Exams Office |
| Conflicts of Interest records | Staff names & nature of conflict | Securely in the Exams Office | Secure key card needed to get into Exams Office |
| Entry information | Candidate nameCandidate DOBGenderUCI numberExam numberData protection notice (candidate signature if any EAA)Diagnostic testing outcome(s)Evidence of normal way of working | Securely in the Exams OfficeMIS | Secure key card needed to get into Exams OfficeSecure username and password |
| Exam room incident logs, seating plans, registers etc | Candidate information during exams | Securely in the Exams OfficeMIS | Secure key card needed to get into Exams OfficeSecure username and password |
| Invigilator and facilitator training records | Names & completion dates | Securely in the Exams Office | Secure key card needed to get into Exams Office |
| Overnight supervision information | Candidate information during exams | Securely in the Exams Office | Secure key card needed to get into Exams Office |
| Post-results services: confirmation of candidate consent information | Candidates’ names, exam information & the exams they wish to appeal | Securely in the Exams OfficeMIS | Secure key card needed to get into Exams OfficeSecure username and password |
| Post-results services: requests/outcome information | Candidates’ name, exam information & outcome of request | Securely in the Exams OfficeMIS | Secure key card needed to get into Exams OfficeSecure username and password |
| Post-results services: scripts provided by ATS service | Candidates’ name, exam information & outcome of request | Securely in the Exams Office | Secure key card needed to get into Exams Office |
| Post-results service: tracking logs | Candidates’ name & exam information | Securely in the Exams Office | Secure key card needed to get into Exams Office |
| Private candidate information | Candidate nameCandidate DOBGenderUCI numberExam numberEvidence of normal way of working | Securely in the Exams OfficeMIS | Secure key card needed to get into Exams OfficeSecure username and password |
| Resolving timetable clashes information | Candidates’ name & Exam information | Securely in the Exams Office | Secure key card needed to get into Exams Office |
| Results information | Candidates’ names & exam results | Securely in the Exams OfficeMIS | Secure key card needed to get into Exams OfficeSecure username and password |
| Seating plans | Candidate name, Exam number & EAA | Securely in the Exams OfficeMIS | Secure key card needed to get into Exams OfficeSecure username and password |
| Special consideration information | Candidates’ names & details of problems affecting their exams | Securely in the Exams Office | Secure key card needed to get into Exams Office |
| Suspected malpractice reports/outcomes | Candidates’ names & details of suspected malpractice and outcomes | Securely in the Exams Office | Secure key card needed to get into Exams Office |
| Transferred candidate arrangements | Candidate nameCandidate DOBGenderUCI numberExam numberEvidence of normal way of working | Securely in the Exams OfficeMIS | Secure key card needed to get into Exams OfficeSecure username and password |
| Very late arrival reports/outcomes | Candidate nameCandidate DOBGenderUCI numberExam numberEvidence of normal way of working | Securely in the Exams OfficeMIS | Secure key card needed to get into Exams OfficeSecure username and password |