



Data Protection Policy (Exams) 2020-2021

Key staff involved in the General Data Protection Regulation Policy

Role	Name(s)
Head of Centre	Matthew Judd
Exams Officer	Sarah Gill
Exams Officer line manager (Senior Leader)	Helen Taylor
Data and Privacy Lead	Keith Eldridge
IT manager	Matt Cowan
Data manager	Elaine Storey

Purpose of the Policy

This policy details how Leighton Park, 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 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:

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- 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; the Press

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

- hard copy
- email
- secure extranet site(s) –e.g. eAQA; OCR Interchange; Pearson Edexcel Online; WJEC Secure services; Cambridge Assessment International; IBIS
- ISAMs (MIS) 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, special consideration requests and exam results/post-results/certificate information.

Section 2 – Informing candidates of the information held

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

All candidates are:

- informed by email
- given access to this policy via centre website.

Candidates are made aware of the above at their exam briefing.

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

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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
Desktop Computer Chrome books PCs USB sticks	Refer to Data Protection Policy	N/A

Software/online system	Protection measure(s)
MS Office Word and Excel MIS system Email A2C	Information stored in secure Exams folder. Access limited to designated staff. Refer to IT policy for further details of data security measures.
ISAMs	Password protected
Awarding body secure websites A2C	Password protected

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

Keith Eldridge (Bursar) as Data and Privacy Lead will lead on investigating the breach.

It will be established:

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- 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.

The table in section 8 details the type of candidate exams-related information held, and how it is managed, stored and protected

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 Examinations Officer.

Section 7 – 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 results including:

*their mark

*comments written by the examiner

*minutes of any examination appeals panels

(see ICO information <https://inco.org.uk/your-data-matters/schools/exam-results/>)

This does not however give individuals the right to copies of their answers to exam questions.

Current and former candidates can request access to the information/data held on them by making a **subject access request** to the Data and Privacy Lead by email. ID will need to be confirmed if a former candidate is unknown to current staff by presentation of suitable photo ID. All requests will be dealt with within 40 calendar days. 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 request should be considered on a case by case basis.

The 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.

If a request is made for exam information before results have been announced, a request will be responded to:

- within 5 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 1 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.

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

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 (SENDCo)	24 months from date of leaving the school
Alternative site arrangements					
Attendance registers copies		Candidate name	Lockable filing cabinet	In secure area solely assigned to exams	6 months maximum
Candidates' scripts		Candidate name	Secure store	In secure area solely assigned to exams	6 months maximum
Candidates' work		Candidate name	Secure store	In secure area solely assigned to exams	6 months maximum
Centre consortium arrangements for centre assessed work					

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Certificates		Candidate name; subject grades	Secure store	In secure area solely assigned to exams	
Certificate destruction information		Candidate name	Lockable filing cabinet	In secure store solely assigned to Exams	Minimum of 12 months
Conflicts of Interest records					
Certificate issue information		Candidate name; subject grades	Lockable filing cabinet	In secure area solely assigned to exams	12 months
Entry information		Candidate name Candidate DOB Gender	MIS	Secure username and password	After post-results services for that season and/or any appeals
Exam room incident logs		Candidate name; medical issues	Lockable filing cabinet	In secure area solely assigned to exams	6 months
Invigilator and facilitator training records		Invigilator names	Lockable filing cabinet	Lockable filing cabinet	12 months
Overnight supervision information		Candidate and parent names	Lockable filing cabinet	Lockable filing cabinet	6 months
Post-results services: confirmation of		Candidate name	Lockable filing cabinet	Lockable filing cabinet	12 months

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candidate consent information					
Post-results services: requests/outcome information		Candidate name; subject grades	Lockable filing cabinet	Lockable filing cabinet	12 months
Post-results services: scripts provided by ATS service		Candidate name; subject grades Candidate work	Exams Officer electronic files	Secure user name and password	12 months
Post-results services: tracking logs		Candidate name; subject grades	Exams Officer electronic files	Secure user name and password	12 months
Private candidate information		Candidate name Candidate DOB Gender	MIS	Secure user name and password	12 months
Resolving timetable clashes information		N/A	N/A	N/A	N/A
Results information		Candidate name; subject grades	MIS	Secure user name and password	10 years
Seating plans		none			

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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
Special consideration information		Candidate name; medical or personal sensitive information	Lockable filing cabinet	Lockable filing cabinet	6 months
Suspected malpractice reports/outcomes		Candidate name	Lockable filing cabinet	Lockable filing cabinet	6 months
Transferred candidate arrangements		Candidate name Candidate DOB Gender	Electronic file	Secure username and password	12 months
Very late arrival reports/outcomes		Candidate name Candidate DOB Gender	Electronic file	Secure username and password	12 months

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