

DATA PROTECTION POLICY (EXAMS)

Approved by: SGS Leadership Team

Date: September 2022

Review date: September 2022

This policy is reviewed and updated annually on the publication of updated JCQ regulations and guidance on access arrangements and instructions for conducting exams

Responsibility: Head of Centre: Marie George

1. Introduction and Aims

Stockland Green School is committed to ensuring that exams are managed and administered effectively.

The aim of this policy is to ensure:

- The planning and management of exams is conducted in the best interest of candidates.
- Our system of exams administration is efficient and clear, and staff and pupils understand what is required and expected of them.
- We comply with requirements and guidance set out by the Joint Council for Qualifications (JCQ) and awarding bodies

2. Purpose of this policy

This policy details how Stockland Green 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.

3. Key staff involved in this policy

Head of Centre - Marie George

Head of School - Rebecca Goode

SLT lead for exams - Sarah Cardwell

Exam Officer - Mandy Johnson

Office Manager & School Data Protection Lead - Geraldine Blackhurst

Data Manager – Laura Payne

IT Support helpdesk@atlp.org.uk

ATLP Leads for Data & Cyber security:

CSE Technical Delivery Manager – Andy Busby

Service Delivery Manager – Luke Rouse

Compliance & Data Protection Officer - Katie Astbury

4. 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)
- Other organisations as relevant e.g. Department for Education; Local Authority; The Arthur Terry Academy Trust

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
- Management Information System (MIS) provided by BROMCOM 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.

5. Informing candidates of the information held

Stockland Green school ensures that candidates are fully aware of the information and data held.

All candidates are:

- informed via communication in class, assembly handouts and the school's dedicated exam webpage
- given access to this policy via our 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.

6. Hardware and software

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

Our procedures are to:

1. Conduct a Data Protection Impact Assessment – this is an ATLP task essentially, basically “knowing” what data exists, where it exists and who has access to it, and having a strategy around protecting it
2. We implement data protection technically and procedurally – this includes access rights to data, and could include encryption and training (do not print etc)
3. We have a Data Breach Response Plan – this is organisationally – who to tell (Katie Astbury), who to inform (DPO, Simon Smith, Michelle Doughty & IT) and who to report to (ICO, ATLP Board)
4. We test security of the systems and users (e.g. Phishing tests)
5. We update the systems.
6. Staff training on data and best practises.
7. Review the above regularly to check for updates and necessary changes.

ATLP review the above regularly to check for updates and necessary changes.

7. Dealing with data breaches and cyber-attacks

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

GR 1.11 **Centres must promptly report any incidents to the relevant awarding body/bodies which might compromise any aspect of assessment delivery, such as a cyber-attack**

If a data protection breach or cyber-attack is identified, the following steps will be taken:

1. Containment and recovery

Andy Busby – CSE Technical Delivery Manager - would lead the investigation.

Luke Rouse would be the single point of contact for the ATLP.

Geraldine Blackhurst would be the single point of contact for Stockland Green School

Luke would inform a nominated member of ATLP staff (Katie Astbury - DPO & Michelle Doughty). From there the Data Breach/Cyber Attack response plan would be deployed which details who to contact inside ATLP who should contact the exam board

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 – **including Exam Boards**

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

8. 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:

- secure drive accessible only to selected exam staff
- information held in secure area
- updates undertaken every regularly, as specified below (this may include updating antivirus software, firewalls, internet browsers etc.)

All file access is audited in Office 365. Updates for all systems are done immediately (anti virus), regularly as required (firewalls) and weekly (Windows Updates).

9. Data retention periods

We store safely and securely all exam related information, non-examination assessments, including controlled assessments, coursework or portfolios, retained in, or returned to, the centre until the deadline for a review of moderation has passed or until a review of moderation, an appeal or a malpractice investigation has been completed, whichever is later.

10. 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 Mandy Johnson, Exams Office and/or Geraldine Blackhurst, the Data Protection Officer in writing. ID 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 Marie George, 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 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

11. Publishing exam results

When considering publishing exam results, Stockland Green School will make reference to the ICO (Information Commissioner's Office) <https://ico.org.uk/your-data-matters/schools/exam-results>

Stockland Green School 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. For example, if results will be listed alphabetically, or in grade order

As Stockland Green 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 Marie George, 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.

12.

The head of centre is responsible for ensuring that this policy is reviewed and updated annually on the publication of updated JCQ regulations and guidance on access arrangements and instructions for conducting exams.

References in this policy to AA and ICE relate to/are directly taken from the [Access Arrangements and Reasonable Adjustments 2022-2023](#) and [Instructions for Conducting Examinations 2022-2023](#) publications