

BLESSED ROBERT SUTTON CATHOLIC VOLUNTARY ACADEMY



Data Protection Policy Exams 2022/2023

This policy is reviewed annually to ensure compliance with current regulations

Purpose of the policy

This policy details how Blessed Robert Sutton CVA (BRS), 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 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 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 (JCQ)
- Any other relevant organisations as relevant, e.g Department for Education, Saint Ralph Sherwin Multi Academy Trust

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

- hard copy
- email
- Awarding Bodies secure extranet sites (AQA Centre Services, OCR Interchange, Pearson Edexcel Online, WJEC Secure Website) and via Capita SIMS to send/receive data via 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

BRS ensures that candidates are fully aware of the information and data held.

All candidates are:

- informed via centre newsletter, electronic communication, school assemblies and on the centre website
- given access to this policy via the centre website or upon written request

Candidates are also made aware of 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 GDPR.

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 access arrangements approval applications can be processed online.

Section 3 – 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

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 4 – 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 include:

- password protected area on the centre's intranet
- secure drive accessible only to selected staff
- information held in secure area
- regular updates of antivirus software, firewalls and internet browsers

Section 5 – Data retention periods

Exams Related information that is held in the Exams Office is retained until after the deadline for reviews of results or other results enquiries, or the resolution of any outstanding reviews/appeals or malpractice investigations relating to that exams series. At the end of the retention period all paper records are shredded as per the centre's Exams Archiving Policy which is contained within the school overall Exams Policy.

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.

Requesting exam information

Requests for exam information can be made to The Exams Officer in writing/email to examinations@brs.srscmat.co.uk. ID may be required 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 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 [insert your centre's unless a request is accompanied with permission from the candidate and appropriate evidence (where relevant), to verify the ID of both parties.

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

When considering publishing exam results, BRS will make reference to the ICO (Information Commissioner's Office) Schools, universities and colleges information <https://ico.org.uk/your-data-matters/schools/> on Publishing exam results.

BRS may publish exam results within the media and will 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

Section 7 – 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	Paper copy of approval for access arrangement	Candidate name and Exam Number 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 SIMS Lockable metal filing cabinet	Secure user name and password In secure office (SENCo)	According to JCQ ICE – until any appeal, malpractice or other results enquiry has been completed
Alternative site arrangements	Any hard copy information generated on an alternative site arrangement. Notifications submitted online via CAP	Candidate name and Exam Number 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 SIMS Lockable metal filing cabinet	Secure user name and password In secure office (SENCo)	According to JCQ ICE – until any appeal, malpractice or other results enquiry has been completed
Attendance registers copies		Candidate Name and Exam Number	Exams Office	In secure office	Until any appeal, malpractice or other results enquiry has been completed

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' scripts		Candidate Name and Exam Number	Secure Exam Storage until collected by Parcelforce	Secure storage	N/A
Candidates' work		Candidate Name and Exam Number Candidate DOB Gender	NEA stored safely within subject departments	Locked office/rooms with limited access	Until any appeal, malpractice or other results enquiry has been completed
Centre consortium arrangements for centre assessed work	Any hard copy information generated or relating to consortium arrangements for centre assessed work. Applications submitted online via CAP	Candidate Name and Exam Number	SIMS Lockable metal filing cabinet	In secure office	Until any appeal, malpractice or other results enquiry has been completed
Certificates		Candidate Name and Exam Number Candidate DOB Gender	Lockable metal filing cabinet	In secure office	12 – 24 months
Certificate destruction information	A record of unclaimed certificates that have been destroyed	Candidate Name and year of certification	Lockable metal filing cabinet	In secure office	4 years
Certificate issue information	A record of certificates that have been issued	Candidate Name and year of certification	Lockable metal filing cabinet	In secure office	12 – 24 months
Conflicts of Interest records	Record demonstrating the management of Conflicts of Interest	Staff and Student Name(s)	Stored electronically	Secure user name and password	Until any appeal, malpractice or other results enquiry has been completed
Entry information		Candidate Name and Exam Number DOB	SIMS	Secure user name and password	N/A

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
Exam room incident logs		Candidate Name and Exam Number	Exams Office	In secure office	Until any appeal, malpractice or other results enquiry has been completed
Invigilator and facilitator training records			Exams Office	In secure office	As above
Overnight supervision information		Candidate Name and Exam Number Candidate DOB Gender Address/contact details Parent/carer information	SIMS	Secure user name and password	As above
Post-results services: confirmation of candidate consent information		Candidate Name and Exam Number Contact details	Exams Office	In secure office	As above
Post-results services: requests/outcome information		Candidate Name and Exam Number Contact details	Exams Office	In secure office	As above
Post-results services: scripts provided by ATS service		Candidate Name and Exam Number Contact details	Exams Office	In secure office	As above
Post-results services: tracking logs		Candidate Name and Exam Number Contact details	Exams Office	In secure office	As above
Private candidate information		Candidate Name and Exam Number Contact details	SIMS	Secure user name and password	As above

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
Results information		Candidate Name and Exam Number Candidate DOB Gender	SIMS Paper copy on file	Secure user name and password In secure office	Current academic year +5 years
Seating plans		Candidate Name and Exam Number Access Arrangements	Exams Office	In secure office	Until any appeal, malpractice or other results enquiry has been completed
Special consideration information		Candidate Name and Exam Number Medical notes	Lockable filing cabinet	In secure office	As above
Suspected malpractice reports/outcomes		Candidate Name and Exam Number	As above	As above	As above
Transferred candidate arrangements		Candidate Name and Exam Number	As above	As above	As above
Very late arrival reports/outcomes		Candidate Name and Exam Number	As above	As above	As above