



Aldercar High School

General Data Protection Regulation procedure (exams)

2020/21

This policy is reviewed annually to ensure compliance with current regulations

Approved/reviewed by	
Leigh Parry	
Date of next review	September 2021

Key staff involved in the policy

Role	Name(s)
Head of centre	Clare Hatto
Exams officer	Carly Kyle
Exams officer line manager (Senior leader)	Leigh Parry
IT manager	Steve Payne
Data manager	Victoria Garton
Operations Manager	Glenn Turner

Purpose of the policy

This policy details how Aldercar 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 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 (GR, section 6.1) **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:

- 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
- Any other organisations as relevant to your centre e.g. Department for Education; Local Authority; Multi Academy Trust; Consortium; the Press; etc.

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

- hard copy
- email
- secure extranet site(s) –eAQA; OCR Interchange; Pearson Edexcel Online; WJEC Secure services, NCFE Surpass and EAL Surpass.
- Management Information System (MIS) provided by Capita SIMS, 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

Aldercar High School ensures that candidates are fully aware of the information and data held.

All candidates:

- Are informed via letter
- Have access to our privacy notice which is available via our website

Candidates are made aware of the above annually.

Aldercar High School 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 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
Exam Laptops	Sophos Anti-Virus and Firewall Data transfer encrypted USB pens	Updated annually

Software/online system	Protection measure(s)
Test Player	Stored on local encrypted drive
Surpass	Stored on awarding bodies servers
SIMS	Unique password and username
4 Matrix	Unique password and username
ALPS	Unique password and username
A2C	Unique password and username
Internal Spreadsheets	Secure folder and password if requires
Awarding Bodies	https - Secure websites

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

The Operations manager 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 procedure, 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 will be conducted should any change of regulation occur and revised 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 annually (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 procedure which is accessible on the shared drive in the information for staff folder under policies, Exams and also on the 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 results, 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 [insert staff name and/or role e.g. the Data Protection Officer] in [insert how e.g. writing/email and how 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.

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 results have been announced, 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 only be shared with a third party under the terms of GDPR and where we are satisfied it is necessary to do so.

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 Operations manager will confirm the status of these agreements and approve/reject any requests.

Sharing information with parents

Aldercar High school 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

Aldercar High School do not publish exam results, However should we consider publishing exam results, Aldercar High School will make reference to the ICO (Information Commissioner's Office) Education and Families <https://ico.org.uk/for-organisations/education/> information on Publishing 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 user name and password In secure office (SENCo)	
Alternative site arrangements		Candidate name		Exams office	Deadline for review of marking has passed or any appeal/malpractice is completed
Attendance registers copies		Candidate name		Secure room in Exams office	Deadline for review of marking has passed or any appeal/malpractice is completed
Candidates' scripts		Candidate name	Head of Dept	Locked cabinet	
Candidates' work		Candidate name	Head of Dept	Locked cabinet	Deadline for review of marking has passed or any appeal/malpractice is completed
Centre consortium arrangements for centre assessed work					
Certificates		Candidate name		Secure room in Exams office	12 months
Certificate destruction information		Candidate name		Secure room in Exams office	4 Years

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
Certificate issue information		Candidate name		Secure room in Exams office	4 Years
Conflicts of Interest records		Candidate/Staff name Reason for conflict	Exams Office	Locked Office	Deadline for review of marking has passed or any appeal/malpractice is completed
Entry information		Candidate name D.O.B	Exams Office Awarding Bodies websites A2C	Secure website Locked Cabinet	Deadline for review of marking has passed or any appeal/malpractice is completed
Exam room incident logs		Candidate name		Secure room in Exams office	Deadline for review of marking has passed or any appeal/malpractice is completed
Invigilator and facilitator training records		Staff Name	Exams Office	Locked Office	
Overnight supervision information		Candidate name	Exams Office	Locked Office	Deadline for review of marking has passed or any appeal/malpractice is completed
Post-results services: confirmation of candidate consent information		Candidate name Email address	Exams Office	Locked Office / Secure Room	6 Years
Post-results services: requests/outcome information		Candidate name	Exams Office	Locked Office / Secure Room	6 Years
Post-results services: scripts provided by ATS service		Candidate name	Head of Dept	Locked cabinet	6 Years
Post-results services: tracking logs		Candidate name		Secure room in Exams office	6 Years

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
Private candidate information		Candidate name		Secure room in Exams office	Deadline for review of marking has passed or any appeal/malpractice is completed
Resolving timetable clashes information		Candidate name	Exams Office	Locked Office / Secure Room	Deadline for review of marking has passed or any appeal/malpractice is completed
Results information		Candidate name	Exams Office	Locked Office / Secure Room	6 Years
Seating plans		Candidate name		Secure room in Exams office	Deadline for review of marking has passed or any appeal/malpractice is completed
Special consideration information		Candidate name Reason for consideration		Secure room in Exams office	Deadline for review of marking has passed or any appeal/malpractice is completed
Suspected malpractice reports/outcomes		Candidate name Reason for suspected malpractice Statements from those involved		Secure room in Exams office	Deadline for review of marking has passed or any appeal/malpractice is completed
Transferred candidate arrangements	Transferred candidate arrangements	Candidate name	Exams Office	Locked Office / Secure Room	Deadline for review of marking has passed or any appeal/malpractice is completed
Very late arrival reports/outcomes	Very late arrival reports/outcomes	Candidate name	Exams Office	Secure Room	Deadline for review of marking has passed or any appeal/malpractice is completed