

DATA PROTECTION POLICY (Exams)

2023/24

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This policy is reviewed annually to ensure compliance with current regulations

Approved/reviewed by	
Ann Losinski	
Date of next review	13.10.24

Key staff involved in the policy

Role	Name(s)
Head of centre	James Ludlow
Exams officer	Ann Losinski
Senior leader(s)	Rachel Cook Andy Banbury
IT manager	Tom Freeman
Data manager	Steph Pace

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Purpose of the policy

This policy details how Joseph Leckie Academy, 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.

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)
- Awarding bodies
- Department for education
- Local Authority

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;
- NCFE
- Capita SIPS MIS provider detail,
- 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

Joseph Leckie academy ensures that candidates are fully aware of the information and data held.

All candidates are:

- informed via electronic communication,
- given access to this policy via Academy shared point website, written request

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/reasonable adjustments 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 – 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
Academy Networked Computers	Daily & Real-time Antivirus Scans/GPO restrictions dependent on user level	Varies per machine

Software/online system	Protection measure(s)
Academy network	Password policy set for all users / GPO restrictions / access rights decided by IT support dependent on job role / account permissions regularly checked / managed antivirus scans on network daily / firewall externally managed / screen lock policy
MIS (Capita SIMS)	Separate account for added security / patches/ updates applied regularly / account permission regularly checked
Internet Browsers (Google Chrome / Internet Explorer)	Security updates deployed regularly / network restrictions for individual users
Internal Sharepoint System	Password Policy / office 365 security / no SSO for additional security level
Awarding Body Websites	https://www.edexcelonline.com/ http://www.aqa.org.uk? http://www.wjec.co.uk http://www.ocr.org.uk?

<https://rslawards/atm.co.uk>

<https://www.ncfe.org.uk?>

<https://www.cache.org.uk?>

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

Shaun Millington 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 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.

An information audit is conducted regularly.

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 every [XX] months (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 Appendix 4 which is available/accessible from the Exam 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 made to Exams Officer Ann Losinski in writing or email. Confirmation of Identification is required, eg Passport, birth certificate, photo certified.

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 James Ludlow HOC 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 and a local authority (the 'corporate parent'), 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
(Updated 24 August 2023 to include guidance on the role of the 'corporate parent', releasing GCSE results to a parent and notifying separated parents about a child moving school)
- 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, Joseph Leckie Academy will make reference to the ICO (Information Commissioner's Office) <https://ico.org.uk/your-data-matters/schools/exam-results/>
Can schools give my exam results to the media for publication?

OR

Joseph Leckie Academy will publish exam results to the media or within the centre (e.g. on an honours board) 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 Joseph Leckie Academy 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 James Ludlow HOC 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.

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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	<p>Personal information</p> <p>Access arrangements information: propter/reader/scribe/extra time/rest breaks.</p> <p>Any special considerations to take in account: child protection/ mental & physical impairments/ circumstances at home eg carer for parent</p> <p>Any hard copy information kept by the EO relating to an access arrangement candidate.</p>	<p>Candidate name</p> <p>Candidate DOB</p> <p>Gender</p> <p>Data protection notice (candidate signature)</p> <p>Diagnostic testing outcome(s)</p> <p>Specialist report(s) (may also include candidate address)</p> <p>Evidence of normal way of working</p>	<p>Access Arrangements Online</p> <p>MIS</p> <p>Lockable metal filing cabinet</p>	<p>Secure user name and password</p> <p>[insert]</p> <p>In secure office (SENCo)</p>	<p>EO : confidential waste/shredding after results rec'd and EAR</p> <p>To be returned to SENCo as records owner at end of the candidate's final exam series.</p>
Alternative site arrangements	Hard copy of alternative sites	<p>Candidate name</p> <p>Candidate DOB</p> <p>Gender</p> <p>Data protection notice (candidate signature)</p>	Secure safe room in Exams office		Kept in storage until after results and post results deadlines have ceased
Attendance registers copies	Registers with candidate details	<p>Candidate name</p> <p>Candidate number/UCI/ULN number</p>	Secure safe room in Exams office	In secure area solely assigned to exams	To be retained until after the deadline for EARs or until any appeal, malpractice or other results enquiry

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
					has been completed, whichever is later.
Candidates' scripts	Personal information	Candidate name Candidate number/UCI/ULN number	Secure safe room in Exams office	Safe secure cabinet/safe	Stored securely until parcel force collects
Candidates' work	Non-examination assessment work (inc. controlled assessment, coursework, portfolios) returned to the centre after awarding body moderation.	Candidate name Candidate number/UCI/ULN number	On receipt of coursework from awarding bodies, the work is locked in a safe in Exams room. After results have been rec'd the work is returned to the tutor for safe storage or returned to candidates.	Stored in safe in exams office, then tutors lock in secure cabinet.	To be returned to subject staff as records owner. To be stored safely and securely along with work that did not form part of the moderation sample (including materials stored electronically) until after the deadline for EARs or the resolution of any outstanding enquiry/appeal or malpractice investigations for the exam series. Retained by subject staff: Current year + 1 year Returned to candidates

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
Centre consortium arrangements for centre assessed work	Personal information	Name DOB Certificate details Candidate number/UCI/ULN	Locked storage, until work completed and sent to relevant awarding body	Password protected if computer data. Locked cupboard for paper data	Safe storage until remarks /outcome of appeals rec'd
Certificates	Candidate certificate of achievements	Name DOB Candidate number/UCI/ULN	Locked in enclosed secure room in Exam office	Exam officer has a key	Unclaimed/uncollected certificates to be to be kept minim 12 months
Certificate destruction information	Candidate certificate of achievements	Name DOB Candidate number/UCI/ULN	Locked in enclosed secure room in Exam office	Exam officer has a key	Unclaimed/uncollected certificates to be to be destroyed after 4 years from date of issue. A log is kept.
Certificate issue information	A record of certificates that have been issued to candidates.	Name DOB Certificate details Awarding body details	Confirmation check lists from awarding bodies kept in locked exams office	Locked cupboard	To be retained for 4 years from the date of certificate
Conflicts of interest records	Staff personal data Family member/ close friends children's data	Name DOB Candidate number/UCI/ULN Subjects/ tiers	Secure safe room in Exams office	Locked secure storage room	Until after results/remarks/appeals rec'd
Entry information	Any hard copy information relating to candidates' entries.	Name DOB	Secure safe room in Exams office	Stored on SIMMS- password protected	Confidential waste/shredding

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
		Candidate number/UCI/ULN Subjects/ tiers			
Exam room incident logs	Any hard copy information relating to candidates' entries.	Name DOB Candidate number/UCI/ULN Subjects/ tiers	Secure safe room in Exams office	Stored on SIMMS- password protected	Confidential waste/shredding
Invigilator and facilitator training records	Any hard copy information relating to candidates' entries.	Name DOB Candidate number/UCI/ULN Subjects/ tiers	Secure safe room in Exams office	Stored on SIMMS- password protected	Confidential waste/shredding
Overnight supervision information	Any hard copy information relating to candidates' entries.	Name DOB Candidate number/UCI/ULN Subjects/ tiers	Secure safe room in Exams office	Stored on SIMMS- password protected	Confidential waste/shredding
Post-results services: confirmation of candidate consent information	Hard copy or email record of candidate consent for an EAR or ATS request to be submitted to an awarding body	Exam entry Name Candidate details ULN/UCI	Secure safe room in Exams office	No one apart from exam officer has accessed- stored in cabinet in locked exam room. Requests made to awarding bodies via secure log ins	EAR consent to be retained for at least six months following the outcome of the enquiry or any subsequent appeal. ATS consent to be retained for at least six months from the date consent given. Confidential

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
					waste/shredding
Post-results services: requests/outcome information	Any hard copy information relating to a post-results service request (EARs, appeals, ATS) submitted to an awarding body for a candidate and outcome information from the awarding body.	Exam entry Name Candidate details ULN/UCI Outcome grades	Secure safe room in Exams office	No one apart from exam officer has accessed- stored in cabinet in locked exam room. Requests made to awarding bodies via secure log ins Outcomes : Telephone or write to candidate regarding outcome	EAR consent to be retained for at least six months following the outcome of the enquiry or any subsequent appeal. ATS consent to be retained for at least six months from the date consent given. Confidential waste/shredding Confidential waste/shredding
Post-results services: scripts provided by ATS service	Any hard copy information relating to a post-results service request (EARs, appeals, ATS) submitted to an awarding body for a candidate and outcome information from the awarding body.	Exam entry Name Candidate details ULN/UCI Outcome grades	Secure safe room in Exams office	No one apart from exam officer has accessed- stored in cabinet in locked exam room. Requests made to awarding bodies via secure log ins	EAR consent to be retained for at least six months following the outcome of the enquiry or any subsequent appeal. ATS consent to be retained for

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
				Outcomes : Telephone or write to candidate regarding outcome	at least six months from the date consent given. Confidential waste/shredding Confidential waste/shredding
Post-results services: tracking logs	A log tracking to resolution all post results service requests submitted to awarding bodies.				To be retained until after the deadline for EARs or until any appeal, malpractice or other results enquiry has been completed, whichever is later. Confidential waste/shredding
Private candidate information	A log tracking to resolution all post results service requests submitted to awarding bodies.				To be retained until after the deadline for EARs or until any appeal, malpractice or other results enquiry has been completed, whichever is later. Confidential waste/shredding
Resolving timetable clashes information	Any hard copy information relating to the resolution of a candidate's	Exam entry Name Candidate details ULN/UCI	Secure safe room in Exams office		To be retained until after the deadline for EARs or until any appeal, malpractice or other results enquiry

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
	clash of exam papers or a timetable variation.	Entries			has been completed, whichever is later. Confidential waste/shredding
Results information	Broadsheets of results summarising candidate final grades by subject by exam series.	Exam entry Name Candidate details ULN/UCI Grades/outcomes	Secure safe room in Exams office		Records for current year plus previous 6 years to be retained as a minimum. [Reference Records Management Toolkit for Schools] Confidential waste/shredding
Seating plans	Plans showing the seating arrangements of all candidates for every exam taken.	Exam entry Name Candidate details ULN/UCI Qualification Access arrangement	Secure safe room in Exams office	Completion of exam- stored in locked cabinet in Exam room	To be retained until after the deadline for EARs or until any appeal, malpractice or other results enquiry has been completed, whichever is later. [Reference ICE 6] Confidential waste/shredding
Special consideration information	Any hard copy information relating to a special consideration request	Exam entry Name Candidate details ULN/UCI	Secure safe room in Exams office Sent via secure	Via web: password protected	Evidence supporting an on-line special consideration application and

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
	and supporting evidence submitted to an awarding body for a candidate.	Qualification Reason for special consideration	awarding body web site		evidence supporting a candidate's absence from an exam must be kept until after the publication of results. Confidential waste/shredding
Suspected malpractice reports/outcomes	Any hard copy information relating to a suspected malpractice investigation/report submitted to an awarding body and outcome information from the awarding body.	Exam entry Name Candidate details ULN/UCI Qualification Reason for mal practice	Secure safe room in Exams office		To be retained until after the deadline for EARs or until any appeal, malpractice or other results enquiry has been completed, whichever is later. Confidential waste/shredding
Transferred candidate arrangements	Any hard copy information relating to an application for a transferred candidate arrangement submitted to an awarding body for a candidate.	Exam entry Name Candidate details ULN/UCI Qualification	Secure safe room in Exams office		To be retained until the transfer arrangements are confirmed by the awarding body. BTEC retained 3 years Confidential waste/shredding
Very late arrival reports/outcomes	Any hard copy information relating to an application for a transferred	Exam entry Name	Secure safe room in Exams office		To be retained until the transfer arrangements are

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
	candidate arrangement submitted to an awarding body for a candidate.	Candidate details ULN/UCI Qualification			confirmed by the awarding body. BTEC retained 3 years Confidential waste/shredding