



## **DATA PROTECTION Policy [EXAMS]**

**Date reviewed:** November 2021

**Next review:** November 2022

**This Policy is founded within our School ethos which provides a caring, friendly and safe environment for all members of our community.**

## Key staff involved in the General Data Protection Regulation policy

Role	Name[s]
Head of centre	Ranjit Berdesha
Exams officer	Nick Rawson
Exams officer line manager [Senior Leader]	Ronald Regnier
Data Protection Officer	Kate Liddington
IT manager	Lee Pelton
Data Manager	Vanessa O'Neil

### PURPOSE OF THE POLICY

This policy details how Heston Community School, in relation to exams management and administration, ensures compliance with the regulations as set out by the Data Protection Act [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 these *General Regulations* 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. (JCQ [General Regulations for Approved Centres](#) (section 6.1) **Personal data**)

Students are given the right to find out what information the Centre holds about them, how it is protected, can be accessed and 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 the Centre meets the requirements of the DPA2018 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 Officer 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
- 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] – [AQA Centre Services; OCR Interchange; Pearson Edexcel Online]
- 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

All candidates are given access to this policy via Centre website.

Candidates are made aware of the above at the start of their 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 which require awarding body approval 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	Protection measures	Warranty expiry
Desktop computer/Laptop	<p>Administrator Access is restricted to IT Staff Only, Devices and servers are protected by Trend Micro Anti-Virus Software, Website filtering is set up and managed by RM Education with Input from IT Staff. IT are notified of any irregular searches.</p> <p>Computer are rebuilt once a year to ensure reliability and regular updates are sent round via the network. Most PC's are 5 years old or newer.</p>	<p>Five Year warranty with all devices we buy from Stone. Maintenance is carried out by the IT Department.</p>
File Server	<p>All exam work is saved to either the students N Drive or if needed an exam account. Files are secured on the network and backed up on a daily basis, then backed up to the cloud also on a daily basis.</p> <p>Only Accessible via an admin login.</p> <p>Student and staff passwords are forced to be changed every 42 days.</p>	
Data Transfer	<p>All systems transferring data via corporate WIFI are encrypted to WPA2 Enterprise level.</p>	

Software/online system	Protection measure[s]
SIMS [Capita Software]	<ul style="list-style-type: none"> <li>• Access controlled by username and password</li> <li>• Accounts have specified access rights.</li> </ul>

	<p>We are aware of what data we store, and the level of sensitivity. All databases are reliant on network security and perimeter control. Access controls are in place and monitoring of the server event logs.</p> <p>Administrator accounts regularly reviewed and monitored. Restricted access to admin level privileges. Access requests go through an approval process. Local admin rights restricted to reduce client's ability to run executables.</p> <p>Inactive or no longer required user accounts are disabled. Archive and deletion is depending on user's role and need for making data available for ex-students.</p> <p>All server systems are patched in monthly maintenance windows to ensure that all appropriate system updates and security patches are applied.</p>
<p>Awarding body secure extranet site[s]:</p> <ul style="list-style-type: none"> <li>• eAQA</li> <li>• OCR Interchange</li> <li>• Pearson Edexcel Online</li> </ul>	<ul style="list-style-type: none"> <li>• Access controlled by username and password</li> <li>• Accounts have specified access rights</li> <li>• Centre administrator has to approve the creation of new user accounts and determine access rights.</li> </ul>
A2C	Access controlled by username and password for computer login and SIMS login.
Google Chrome	All Internet browsing takes place on a controlled connection, based on rules set for education.
Microsoft Internet Explorer	All Internet browsing takes place on a controlled connection, based on rules set for education.

## 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

The designated DPO 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 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 as and when required [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 which is available/accessible from the Exams 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 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 Data Protection Officer in 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 an individual can request their exam results or request that they aren't published. When an individual makes a request, those responsible for responding should take into account whether:

- the individual wants their parent [or someone with parental responsibility for them] to be involved; and
- the individual 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, an individual of 12 or older is expected to be mature enough to understand the request they are making. An individual 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 unless already approved by parents in line with the Whole School GDPR Policy [Please refer to the whole School GDPR Policy].

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](http://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](http://www.gov.uk/guidance/school-reports-on-pupil-performance-guide-for-headteachers)



## Publishing exam results

When considering publishing exam results, Heston Community School 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?

## 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 area solely assigned to exams	To be retained until the end of the current examination series or until after the deadline for EARs or the resolutions of any outstanding enquires, appeals or malpractice investigations. To be archived in exams storage
Attendance registers copies		Name, Candidate Number	In exam filing cabinet in a secure storage area	Locked filing cabinet in a secure storage area with a double locked door	To be retained until the deadline for EARs or the resolution of any outstanding enquiries/appeals for the relevant exams series.

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' work		Name, Candidate Number	To be immediately 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 enquiries/appeals or malpractice investigations for the exam series.	Locked in secure filing cabinet	12 Months
Certificates		Name, Candidate Number	In Exam filing cabinet in the secure storage area	Locked filing cabinet in a secure storage area with a double locked door	12 months
Certificate destruction information	.	Name, Candidate Number	In Exam filing cabinet in the secure storage area	Locked filing cabinet in a secure storage area with a Double locked door	4 Years
Certificate issue information		Name, Candidate Number	In Exam filing cabinet in the secure storage area	Locked filing cabinet in a secure storage area with a double locked door	3 Years
Entry information		Name, Candidate Number	In Exam filing cabinet in the secure storage area	Locked filing cabinet in a secure storage area with a double locked door	Digital copies stored on the exams area indefinitely.

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		Name, Candidate Number	To be retained and accessible for EARs or the resolution of any outstanding enquiries/appeals for the relevant exams series.	Locked filing cabinet in a secure storage area with a double locked door	To be retained and accessible for EARs or the resolution of any outstanding enquiries/appeals for the relevant exams series.
Overnight supervision information		Name, Candidate Number	In Exam filing cabinet in the secure storage area	Locked filing cabinet in a secure storage area with a double locked door	To be retained for JCQ inspection purposes.
Post-results services: confirmation of candidate consent information		Name, Candidate Number	In Exam filing cabinet in the secure storage area	Locked filing cabinet in a secure storage area with a double locked door	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.
Post-results services: requests/outcome information		Name, Candidate Number	In Exam filing cabinet in the secure storage area	Locked filing cabinet in a secure storage area with a double locked door	To be retained for at least 6 months
Post-results services: scripts provided by ATS service		Name, Candidate Number			Where scripts are retained by the centre, they are securely stored [including any electronic versions] and not edited in any way or disposed of until after the awarding body deadline.

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
Post-results services: tracking logs		Name, Candidate Number	In Exam filing cabinet in the secure storage area	Locked filing cabinet in a secure storage area with a double locked door	12 Months
Private candidate information		Name, Candidate Number	In Exam filing cabinet in the secure storage area	Locked filing cabinet in a secure storage area with a double locked door	12 Months
Resolving clashes information		Name, Candidate Number	In Exam filing cabinet in the secure storage area	Locked filing cabinet in a secure storage area with a double locked door	To be retained on file until the end of the exam series or to be retained and accessible for EARs or the resolution of any outstanding enquiries/appeals for the relevant exams series.
Results information		Name, Candidate Number	In Exam filing cabinet in the secure storage area	Locked filing cabinet in a secure storage area with a double locked door	Records for current year plus previous 6 years to be retained as a minimum.
Seating plans		Name, Candidate Number	In Exam filing cabinet in the secure storage area	Locked filing cabinet in a secure storage area with a double locked door	To be kept until the deadline for EARs and the resolution of any outstanding enquiries/appeals for the relevant exams series.

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		Name, Candidate Number	In Exam filing cabinet in the secure storage area	Locked filing cabinet in a secure storage area with a double locked door	Evidence supporting an on-line special consideration application and evidence supporting a candidate's absence from an exam must be kept until after the publication of results.
Suspected malpractice reports/outcomes		Name, Candidate Number	In Exam filing cabinet in the secure storage area	Locked filing cabinet in a secure storage area with a double locked door	Digital copies to store on the exams area. Hard copies to be archived in exams storage for 12 Months.
Transfer of credit information		Name, Candidate Number	In Exam filing cabinet in the secure storage area	Locked filing cabinet in a secure storage area with a double locked door	To be retained until the issue of the GCE A level result for the candidate.
Transferred candidate information		Name, Candidate Number	In Exam filing cabinet in the secure storage area	Locked filing cabinet in a secure storage area with a double locked door	To be retained until the transfer arrangements are confirmed by the awarding body.
Very late arrival reports/outcomes		Name, Candidate Number	In Exam filing cabinet in the secure storage area	Locked filing cabinet in a secure storage area with a double locked door	To be retained until the end of the current examination series or until after the deadline for EARs or the resolutions of any outstanding enquires appeals or malpractice investigations.