

**STOCKSBRIDGE HIGH SCHOOL**



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HIGH SCHOOL**



**Minerva**  
Learning Trust

**Data Protection Policy Exams 2022/23**

This policy is reviewed annually to ensure compliance with current regulations

Approved/reviewed by	
Date of next review	

## Key staff involved in the policy

Role	Name(s)
Head of centre	A Ireland
Exams officer	D Moss
Senior leader(s)	A Evans, N Layland
IT manager	D Salim
Data manager	S Pearson

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## **Purpose of the policy**

This policy details how Stocksbridge 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 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)
- Department for Education
- Local Authority
- Multi 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 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

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

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

All candidates are:

- informed via the Examinations Handbook
- given access to this policy via the school's website

Candidates are made aware of the at the start of a course leading to an eternally accredited qualification

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.

## 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 may include:

- password protected area on the centre's intranet
- secure drive accessible only to selected staff
- information held in secure area
- updates undertaken (this may include updating antivirus software, firewalls, internet browsers etc.)

## **Section 5 – 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 Exam Archiving Policy which is available/accessible from the school's website and in section 7 of this policy..

## **Section 6 – 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 the examinations officer in writing/email and 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 the 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.

## Section 7 – Table recording candidate exams-related information held

For details of how to request access to information held, refer to section 6 of this policy (**Access to information**)

For further details of how long information is held, refer to section 5 of this policy (**Data retention periods**)

Record type	Record(s) description (where required)	Retention information/period	Action at end of retention period (method of disposal)
Access arrangements information	Any hard copy information kept by the EO relating to an access arrangement candidate.	To be returned to SENCo as records owner at end of the candidate's final exam series.	To form part of SENCo plan
Attendance register copies		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 6,15]	Confidential destruction by Exam Officer each March following the previous Summer Series
Awarding body administrative information	Any hard copy publications provided by awarding bodies.	To be retained until the current academic year update is provided.	Disposed of by Exams Officer
Candidates' work	Non-examination assessment work (inc. controlled assessment, coursework, portfolios) returned to the centre after awarding body moderation.	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 enquiry/appeal or malpractice investigations for the exam series. [Reference GR 3, 5]	Returned to candidates or safe disposal by subject leaders
Certificates		Unclaimed/uncollected certificates to be retained securely for a minimum of 12 months from date of issue. [Reference GR 5]	<b>Certificates are kept for a minimum of 12 months.</b>  Confidential Destruction



Record type	Record(s) description (where required)	Retention information/period	Action at end of retention period (method of disposal)
Certificate destruction information	A record of unclaimed certificates that have been destroyed.	To be retained for 4 years from the date of certificate destruction. [Reference <u>GR 5</u> ]	Confidential destruction by Exam Officer
Certificate issue information	A record of certificates that have been issued to candidates.	[Reference <u>GR 5</u> ]	Copy of exams results attached to SIMS record for as long as record is valid –Part of MIS Plan
Confidential materials delivery logs	A log recording confidential materials delivered by awarding bodies to the centre and issued to authorised staff.	To be retained until the current academic year is completed.	Confidential destruction by Exam Officer each September
Confidential materials tracking logs	A log to track materials taken from or returned to secure storage throughout the time the material is confidential.	To be retained until the current academic year is completed.	Confidential destruction by Exam Officer each September
Dispatch logs	Proof of dispatch of exam script packages to awarding body examiners covered by the <u>DfE (Standards &amp; Testing Agency) yellow label service</u>	To be retained until the current academic year is completed.	Confidential destruction by Exam Officer each September
Entry information	Any hard copy information relating to candidates' entries.	To be retained until the current academic year is completed.	Confidential destruction by Exam Officer each September
Exam question papers	Question papers for timetabled written exams.	Issued to teaching staff after the published finishing time of the exam and only when all candidates in the centre have completed the exam.  Instructions issued by an individual awarding body relating to the use of question papers for vocational qualifications after the examination has taken place are followed.	To form part of Subject Leader Plan

Record type	Record(s) description (where required)	Retention information/period	Action at end of retention period (method of disposal)
		[Reference <u>ICE</u> 16 and <u>GR</u> 5,6]	
Exam room checklists/Seating plans/Exam room incident logs/Invigilation records	Checklists confirming room conditions and invigilation arrangements for each 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 <u>ICE</u> 6]	Confidential destruction by Exam Officer each March following the previous Summer Series
Exam stationery		When awarding body or JCQ common stationery is considered surplus or is out-of-date it will be disposed of.  [Reference <u>ICE</u> page 4 and <u>ICE</u> 23]	Confidential disposal by Exam Officer as and when needed
Examiner reports		To be immediately provided to head of department as records owner.	To form part of Subject Leader Plan
Finance information	Copy invoices for exams-related fees.	Kept indefinitely by Exam Officer as forms part of Annual Exam Review	Kept indefinitely by Exam Officer as forms part of Annual Exam Review
JCQ publications	Any hard copy publications provided by JCQ.	To be retained until the current academic year update is provided.	Disposed of by Exam Officer on receipt of new copy
Moderator reports/BTEC SV Reports		To be immediately provided to head of department as records owner.	Moderator Reports -To form part of Subject Leader Plan BTEC SV – kept indefinitely as part of exam officer reviews
Overnight supervision information	Copy of JCQ form <i>Timetable variation and confidentiality declaration for overnight supervision</i> for any candidate eligible for these arrangements.	To be retained for JCQ inspection purposes for the relevant exam series.	Confidential destruction by Exam Officer each September

Record type	Record(s) description (where required)	Retention information/period	Action at end of retention period (method of disposal)
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	EAR consent to be retained for at least <b>six months</b> 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.  [Reference <a href="#">PRS 4</a> , appendix A and B]	<b>Confidential destruction by Exam Officer each March following the previous Summer Series</b>
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.		<b>Confidential destruction by Exam Officer each March following the previous Summer Series, together with the candidate consents</b>
Post-results services: scripts provided by ATS service	Copies of exam scripts (or an electronic image of the script) returned to the centre by the awarding body/copies downloaded by the centre where the awarding body provides online access to scripts.	Where copies of scripts are retained by the centre, they must be securely stored (including any electronic versions) until they are no longer required.  [Reference <a href="#">PRS 6</a> ]	Confidential disposal or deletion by Subject Leaders when no longer required for Teaching and Learning purposes
Post-results services: tracking logs	A log tracking to resolution all post-results service requests submitted to awarding bodies.	Kept indefinitely on school network for data analysis	Kept indefinitely on school network for data analysis
Private candidate information	This centre does not accept private candidates		
Proof of postage – candidate work	Proof of postage of sample of candidates' work to awarding body moderators.	To be retained until the current academic year is completed.	Confidential destruction by Exam Officer each September

Record type	Record(s) description (where required)	Retention information/period	Action at end of retention period (method of disposal)
Resolving clashes information	Any hard copy information relating to the resolution of a candidate's clash of exam papers or a timetable variation.	To be retained until the current academic year is completed.	Confidential destruction by Exam Officer each September
Results information	Broadsheets of results summarising candidate final grades by subject by exam series.	Records for current year plus previous 6 years to be retained as a minimum. [Reference <i>Records Management Toolkit for Schools</i> ]	<b>Results are kept for 8 years.</b>
Special consideration information	Any hard copy information relating to a special consideration request and supporting evidence submitted to an awarding body for a candidate.	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. [Reference <u>SC 6</u> ]	Confidential destruction by Exam Officer each September
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.	To be retained until the current academic year is completed.	Confidential destruction by Exam Officer each September
Transferred candidate information	Any hard copy information relating to an application for a transferred candidate arrangement submitted to an awarding body for a candidate.	To be retained until the transfer arrangements are confirmed by the awarding body.	Confidential destruction by Exam Officer each September
Very late arrival reports/outcomes	Any hard copy information relating to a very late arrival report submitted to an awarding body for a candidate and outcome information from the awarding body.	To be retained until the current academic year is completed.	Confidential destruction by Exam Officer each September