Data Protection Policy (Exams)

2021/22

This policy is reviewed annually to ensure compliance with current regulations

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| Approved/reviewed by |
| Julian Cattley |
| Date of next review | Oct 2022 |

Key staff involved in the policy

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| **Role** | **Name(s)** |
| Head of centre | **Jacqui Brooks** |
| Exams officer | **Julian Cattley** |
| Senior leader(s) | **Mark Hazlehurst** |
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Purpose of the policy

This policy details how The Henslow and Evolution 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 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](https://www.jcq.org.uk/exams-office/general-regulations/) (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

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
* Social worker and Local Authority of any looked after child

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; Trinity Portal; Duke of Edinburgh eDofE.

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

The Henslow and Evolution School 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 centre website and 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 Entry Level, Level 1 and 2, 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.

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| Hardware | Protection measures |
| Desktop and laptop computers maintained with a special build by Telford and Wrekin ICT Managed Services | * Computers installed with a dedicated specialist build to manage maintain and communicate via secure network.
* Virus checking and software updates on continuous rolling schedule
* Full support, monitoring and maintenance provided by Telford and Wrekin including service desk for immediate support needs.
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| Software/online system | Protection measure(s) |
| SchoolPod by Eduspot – Cloud based MIS | * Cloud based, password protected MIS system.
* Centre admin controls access and editing of information.
* SchoolPod normally accessed via Telford and Wrekin secure connection.
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| Awarding body secure extranet sites | * Administration of access organised by Exams Officer.
* Account capabilities set and authorised depending on needs of staff.
* Extranet sites accessed through Telford and Wrekin built computer using secure connection.
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| School secure site and secure admin area | * Secure internal working space including Microsoft OneDrive and SharePoint.
* Specific Admin area only accessible to small team as required.
* All accounts and access password protected.
* Software and precautions such as firewall and virus protection all updated regularly by Telford and Wrekin.
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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**

Jacqui Brooks, Head Teacher; and Julian Cattley, Exams Officer and IT support; 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
1. **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?
1. **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.

1. **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:

* secure drive accessible only to selected staff
* information held in secure area
* updates undertaken by Telford and Wrekin on a regular basis (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:

Data retention periods:

* Examination documentation and materials will be retained until results are issued and/or appeals procedures have been completed.
* Where documentation is required to be kept longer by JCQ or any awarding body then the materials will be kept for the required time in the exams filing cabinet {where it is information or material that is not from a live exam series}.
* Where material is deemed appropriate to keep with the students records {e.g. scanned copies of certificates or any outcomes from appeals to be held on file} then records will be kept with other student specific materials until the student reaches the age of 25. Information of this kind would be stored physically in the exams filing cabinet and/or SchoolPod MIS system.
* Disposal of any physical materials would be through secure shredding.
* Disposal of digital material would be through deletion of records from our MIS system.
* For retention periods of specific material please see Section 8

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 Julian Cattley in writing/email and with appropriate ID for former candidates who may not be known 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 Jacqui Brooks, Head Teacher 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**

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| 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](https://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**

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| The Henslow and Evolution School will publish exam results to the media or within the centre (e.g. on an honours board) in line with the following principles:* Our learners identities are normally protected / confidential. No results will be published that either identify candidates or compromise their protected identity.
* Where there is only one candidate in a year where publishing results would reveal that persons individual performance, results will not be published.
* 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 The Henslow and Evolution School 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: Mrs J. Brooks, Head Teacher; 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. |

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 | 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 nameCandidate DOBGenderData protection notice (candidate signature)Diagnostic testing outcome(s)Specialist report(s) (may also include candidate address)Evidence of normal way of working | Access Arrangements OnlineMIS {SchoolPod}Admin Area on SharePointLocked cabinet / cupboard  | Secure username(s) and password(s)In locked cabinet | *Until results are issued* ***or*** *appeals process is complete.* |
| Alternative site arrangements{where required} | Candidate nameCandidate DOBGenderAccess Arrangements | Hard copyExams folder(s)Locked cabinet / cupboardDigitalAdmin area - Exams | In locked cabinet / cupboardSecure username(s) and password(s) | *Until results are issued* ***or*** *appeals process is complete.* |
| Attendance registers copies | Candidate nameCandidate DOBGender | Hard copyExams folder(s)Locked cabinet / cupboardDigitalAdmin area - Exams | In locked cabinet / cupboardSecure username(s) and password(s) | *Until results are issued* ***or*** *appeals process is complete.* |
| Candidates’ scripts | Candidate nameCandidate No.Candidate signature | Where secure storage required:Secure storage {JCQ regs}Where not for secure storage: then in locked cabinet / cupboard / classroom when not being reviewed. | In locked cabinet / cupboard{Where required}Also may be in locked classroom / workspace | *Until results are issued* ***or*** *appeals process is complete.**Edexcel FS – 3 years* |
| Candidates’ work  | Candidate nameCandidate No.Candidate signatureOther identification of people / places | Where secure storage required:Secure storage {JCQ regs}Where not for secure storage: then in locked cabinet / cupboard / classroom as required when not in use. | In locked cabinet / cupboard{Where required}Also may be in locked classroom / workspace | *Until results are issued* ***or*** *appeals process is complete.**Edexcel FS – 3 years* |
| Certificates | Candidate name Candidate DOB | Hard copyExams folder(s)Locked cabinet / cupboardDigitalAdmin area – Student Folder | In locked cabinet / cupboardSecure username(s) and password(s) | *Issued upon receipt.**Where not issued then held in exams filing cabinet until candidate reaches 25.* |
| Certificate destruction information | Candidate nameCandidate DOB | Hard copyExams folder(s)Locked cabinet / cupboardDigitalAdmin area - Exams | In locked cabinet / cupboardSecure username(s) and password(s) | *Where certificates are destroyed, record would be kept until candidate reaches 25.* |
| Certificate issue information | Candidate nameCandidate DOBCandidate signatureOther names and signatures where collected on behalf of candidate | Hard copyCollected in file at reception and then transferred to the Exams folder(s)Locked cabinet / cupboardDigitalAdmin area - Exams | In locked cabinet / cupboardSecure username(s) and password(s) | *Until candidate reaches 25.* |
| Conflicts of interest records | Staff nameStaff signature | Hard copyExams folder(s)Locked cabinet / cupboardDigitalAdmin area - Exams | In locked cabinet / cupboardSecure username(s) and password(s) | *Until results are issued* ***or*** *appeals process is complete.* |
| Entry information | Candidate nameCandidate DOBGender | Hard copyExams folder(s)Locked cabinet / cupboardDigitalAdmin area - Exams | In locked cabinet / cupboardSecure username(s) and password(s) | *Until results are issued* ***or*** *appeals process is complete.* |
| Exam room incident logs  | Candidate name | Hard copyExams folder(s)Locked cabinet / cupboard | In locked cabinet / cupboard | *Until results are issued* ***or*** *appeals process is complete.* |
| Invigilator and facilitator training records | Staff / Invigilator nameStaff / Invigilator signatureStaff / Invigilator mobile phone number | Hard copyExams folder(s)Locked cabinet / cupboardDigitalAdmin area - Exams | In locked cabinet / cupboardSecure username(s) and password(s) | *Records held on file for the duration of the staff members employment.*  |
| Overnight supervision information{where required} | Candidate nameStaff name(s)GenderStaff signatures | Hard copyExams folder(s)Locked cabinet / cupboardDigitalAdmin area - Exams | In locked cabinet / cupboardSecure username(s) and password(s) | *Until results are issued* ***or*** *appeals process is complete.* |
| Post-results services: confirmation of candidate consent information | Candidate nameCandidate DOBCandidate signature | Hard copyExams folder(s)Locked cabinet / cupboardDigitalAdmin area - Exams | In locked cabinet / cupboardSecure username(s) and password(s) | *Until results are issued* ***or*** *appeals process is complete.* |
| Post-results services: requests/outcome information | Candidate nameCandidate DOB | Hard copyExams folder(s)Locked cabinet / cupboardDigitalAdmin area - Exams | In locked cabinet / cupboardSecure username(s) and password(s) | *Until results are issued* ***or*** *appeals process is complete.**Outcome will be kept with appropriate candidate record until candidate is 25.* |
| Post-results services: scripts provided by ATS service  | Candidate nameCandidate signature | Hard copyExams folder(s)Locked cabinet / cupboardDigitalAdmin area - Exams | In locked cabinet / cupboardSecure username(s) and password(s) | *Until results are issued* ***or*** *appeals process is complete.* |
| Post-results services: tracking logs | Candidate nameCandidate DOB | Hard copyExams folder(s)Locked cabinet / cupboardDigitalAdmin area - Exams | In locked cabinet / cupboardSecure username(s) and password(s) | *Until results are issued* ***or*** *appeals process is complete.* |
| Resolving timetable clashes information{where required} | Candidate nameCandidate signature | Hard copyExams folder(s)Locked cabinet / cupboardDigitalAdmin area - Exams | In locked cabinet / cupboardSecure username(s) and password(s) | *Until results are issued* ***or*** *appeals process is complete.* |
| Results information | Candidate nameCandidate DOBGender | Hard copyExams folder(s)Locked cabinet / cupboardDigitalAdmin area - Exams | In locked cabinet / cupboardSecure username(s) and password(s) | *Until candidate reaches 25.* |
| Seating plans | Candidate name | Hard copyExams folder(s)Locked cabinet / cupboardDigitalAdmin area - Exams | In locked cabinet / cupboardSecure username(s) and password(s) | *Until results are issued* ***or*** *appeals process is complete.* |
| Special consideration information | Candidate nameCandidate DOB | Hard copyExams folder(s)Locked cabinet / cupboardDigitalAdmin area - Exams | In locked cabinet / cupboardSecure username(s) and password(s) | *Until results are issued* ***or*** *appeals process is complete.* |
| Suspected malpractice reports/outcomes | Candidate name | Hard copyExams folder(s)Locked cabinet / cupboardDigitalAdmin area - Exams | In locked cabinet / cupboardSecure username(s) and password(s) | *Until results are issued* ***or*** *appeals process is complete.**Outcomes would be held with candidates records until they are 25.* |
| Transferred candidate arrangements | Candidate nameCandidate DOBGender | Hard copyExams folder(s)Locked cabinet / cupboardDigitalAdmin area - Exams | In locked cabinet / cupboardSecure username(s) and password(s) | *Until results are issued* ***or*** *appeals process is complete.* |
| Very late arrival reports/outcomes | Candidate name | Hard copyExams folder(s)Locked cabinet / cupboardDigitalAdmin area - Exams | In locked cabinet / cupboardSecure username(s) and password(s) | *Until results are issued* ***or*** *appeals process is complete.* |
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