

**14. DATA PROTECTION POLICY (Exams)**

2024/25

This policy is reviewed annually to ensure compliance with current regulations

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| Approved/reviewed by |
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| Date of next review | November 2025 |

Key staff involved in the policy

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| Role | Name(s) |
| Head of centre | Stefan McHale |
| Exams officer | Lisa Gardner |

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Purpose of the policy

This policy details how Brymore 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](https://www.jcq.org.uk/exams-office/general-regulations/) (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)
* Any other organisations as relevant to your centre e.g. Department for Education, Local Authority, Bridgwater & Taunton College 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 ESS 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

Brymore Academy ensures that candidates are fully aware of the information and data held.

All candidates are:

* informed via tutor groups, assemblies, the school website and electronic communication
* given access to this policy via centre website or 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 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.

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| Hardware | Date of purchase and protection measures | Warranty expiry  |
| Desktop Computers & Laptops | Purchase date: UnknownRegularly checked for functionality and general operability, Regular checks to Firewall/Antivirus software & constantly monitored for threats. Data is only storable on encrypted network drives. All applications commonly used by staff and pupils are as up to date as they can be. Operating systems automatically install latest Windows updates & security updates | Manufacturer’s warranty until expired |
| Exam Laptops | Purchase date: UnknownRegularly checked for functionality and general operability, Regular checks to Firewall/Antivirus software & constantly monitored for threats. Data is only storable on encrypted network drives. All applications commonly used by staff and pupils are as up to date as they can be. Operating systems automatically install latest Windows updates & security updatesComputers/laptops used for examinations, coursework, controlled assessments and non-examination assessments have limited or no access to the internet, they are also password protected. | Manufacturer’s warranty until expired |

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| Software/online system | Protection measure(s) |
| SIMS  | Protected usernames and passwords; rules for password setting (use of a mix of upper/lower cases letters and numbers) centre administrator has to approve the creation of new user accounts and determine access rights needed to carry out their job rolesSoftware latest version installedAccess to the Exams function is limited to the Exams Officer, Data Manager and IT. |
| A2C  | Software latest version installed; Limited user access, only on Exams Officer’s PC & laptop - restricted username/password |
| Local network storage (Y drive, exams folder) & Onedrive | Network access is password protected. Passwords must contain a mix of upper and lower case, letters and numbers and must be changed termly.The exams folder is only accessible to the Exams Officer  |
| Web Browsers – MS Edge &Google Chrome | Both browsers set to automatically update as newer versions are released, ensuring that they incorporate the latest fixesRegular checks to Firewall/Antivirus software |
| Awarding body secure extranet site(s); | Protected usernames and passwords; rules for password setting (use of a mix of upper/lower cases letters and numbers); rules for regularity of password changingExams Officer has to approve the creation of new user accounts and determine access rights needed to carry out their job rolesPlus, annual “spring clean” & reviews as staff leave academy. |

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**

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
* **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 usually yearly after an examination cycle.

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 automatically (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

(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 Data Protection Officer or exams 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 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 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.

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

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| When considering publishing exam results, Brymore 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?Brymore 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 Brymore 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 Head of Centre 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 | 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 | Any hard copy information kept by the EO relating to an access arrangement candidate. | 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 OnlineMISLockable metal filing cabinet  | Secure user name and password In secure office (Main office) | **Refer to SENCO** |
| Exam Access Arrangement (EAA) Information | What exam access arrangements a student has for their exams | Candidate nameCandidate Exam numberCandidates Exam Access Arrangement | Electronically on EO PC Hard copies in EO file and invigilation files for exams | Hard copies only in use by exam staff during actual exam periods (to ensure students get their correct arrangements) | Electronic: Retained until the deadline for EARs or resolution of any enquiries, appeals, malpractice whichever is longer. Confidential destroyedHard copies: after exams Confidential destroyed |
| Alternative site arrangements | Required if a student/s exams needs to take their exam at another site  | Candidate nameCandidate DOBGenderData protection notice (candidatesignature)Diagnostic testing outcome(s)Specialist report(s) (may also includecandidate address)Evidence of normal way of working | Lockable metal filing cabinet Electronically on exam PC CAP/Sims | Secure username and passwordIn secure area solely assigned to exams | Retained until the deadline for EARs or resolution of any enquiries, appeals, malpractice whichever is longer. Confidential destruction thereafter. |
| Attendance registers copies | Produced by MIS for use in exam rooms.Also: Produced by exams boards to check student attendance and scripts are packed and sent to the exam board | Candidate nameExam number | Lockable metal filing cabinet Electronically on exam PC | Secure username and passwordIn secure area solely assigned to exams | Retained until the deadline for EARs or resolution of any enquiries, appeals, malpractice whichever is longer. Confidential destruction thereafter. |
| Candidates’ scripts | Exams scripts that contain a candidates answers to the exam board questions | Details of candidates’ names, exam numbers | In a lockable cabinet in the secure storage | Locked room only accessible by 3 key holders  | Minimum time until scripts can be despatched to awarding body |
| Candidates’ work  | NEA work kept securely by teaching staff | Candidate name Exam number Candidate’s workSignature | Immediately returned to subject leaders | In accordance with JCQ NEA 4.8 in secure storage by subject teachers | Retained until deadline for a review of results/ moderation has passed or until a review of results/ moderation, an appeal or a malpractice investigation has been completed, whichever is later Returned to candidates or safe disposal. |
| Centre consortium arrangements for centre assessed work |  | Candidate name, Candidate Exam number | On staff computer | Secure user name and password | Retained until the deadline for EARs or resolution of any enquiries, appeals, malpractice whichever is longer. Confidential destruction thereafter. |
| Certificates | Candidate certificates issued by awarding bodies.Received by EO and issued to students when signed for & collected from reception for 12 months then on request for 4 years.  | Candidate nameCandidate DOBGenderCandidate Exam number**Candidate exam results** | Lockable metal filing cabinet  | Lock and key  | Unclaimed/uncollectedcertificates to beretained securely for aminimum of 12months from date ofissue. Any remainingcertificates – allpossible means ofcontacting student isexhausted.Certificates kept atschool for 5 yearsallowing for furthereducation and highereducation beforecertificates needed forthe work place.Confidential destruction. |
| Certificate destruction information | A record of unclaimed certificates that have been destroyed. | Candidate name Candidate DOB Gender Candidate Exam number | Lockable metal filing cabinet  | Lock and key  | Retained for 5 years from the date of the certificate destruction then confidentially destroyed |
| Certificate issue information | A record of certificates that have been issued. | Candidate name Candidate DOB Gender Candidate Exam number | Lockable metal filing cabinet  | Lock and key  | **Retained for 5 years then confidentially destroyed.** |
| Conflicts of interest records | Required annually by JCQRecords demonstrating the management of Conflicts of Interest | Details of centre staff taking or with close relations/friends taking exams, names and exam details.  | Lockable metal filing cabinet Electronically on exam PC | In secure office (Main office) Secure user name & password | Retained until the deadline for EARs or resolution of any enquiries, appeals, malpractice whichever is longer. Confidential destruction thereafter |
| Entry information | Required every exam seriesAny hard copy information relating to candidates’ entries. | Candidate nameCandidate numberExam details | Lockable metal filing cabinet Electronically on exam PC | In secure office (Main office) Secure user name & password | Retained until the deadline for EARs or resolution of any enquiries, appeals, malpractice whichever is longer. Confidential destruction thereafter |
| Exam room incident logs  | Logs recording any incidents or irregularities in exam rooms for each exam session. | Candidate name/s, number/s, invigilator name/s. Details of exam incident | Lockable metal filing cabinet Electronically on exam PC | In secure office (Main office)Secure user name & password | Retained until the deadline for EARs or resolution of any enquiries, appeals, malpractice whichever is longer. Confidential destruction thereafter |
| Invigilator and facilitator training records | Information showing that Invigilators and facilitators are competent – a JCQ requirement | Invigilator & facilitator names, addresses, contact details, training details and signatures | To be retained with EO Laptops and the Schools One drive Training providers website | In secure office (Main office)Secure user name & Password | Retained until the deadline for EARs or resolution of any enquiries, appeals, malpractice whichever is longer. Confidential destruction thereafter |
| Overnight supervision information | Required if candidate has clash of 3 or more exams on same day – need to move an exam to later date. (N/a at academy so far)JCQ form Timetable variation and confidentiality declaration for overnight supervision for any candidate eligible for these arrangements. | Details of candidates’ names, exam numbers, entries. Parents’ details. | Lockable metal filing cabinet Electronically on exam PC | In secure office (Main office)Secure user name & password | Retained until the deadline for EARs or resolution of any enquiries, appeals, malpractice whichever is longer. Confidential destruction thereafter |
| 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. | Candidate name, number, signature, exam details, | Lockable metal filing cabinet Electronically on exam PC | In secure office (Main office) Secure user name & password | Retained until the deadline for EARs or resolution of any enquiries, appeals, malpractice whichever is longer. Confidential destruction thereafter |
| 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.  | Details of candidates’ names, contact details, exam numbers, entries, results | Lockable metal filing cabinet Electronically on exam PC | In secure office (Main office)Secure user name & password | Retained until the deadline for EARs or resolution of any enquiries, appeals, malpractice whichever is longer. Confidential destruction thereafter |
| Post-results services: scripts provided by ATS service  | Requested by candidates as/when necessary or by teaching staff (with candidates written permission) to use to inform teaching & learning | Details of candidates’ names, contact details, exam numbers, entries, results | Given directly to candidates or teaching staff | Teaching staff keep in locked storage | To be retained securely until the awarding body’s earliest date for confidential disposal of unwanted scripts, or no longer needed by staff – then to be shredded |
| Post-results services: tracking logs | Compiled by EO as/when necessary to track the process of any ATS & EARs | Details of candidates’ names, contact details, exam numbers, entries, results | Spreadsheet on staff desktop computerLockable metal filing cabinet  | In secure office (Exams) Secure user name & password | Retained until the deadline for EARs or resolution of any enquiries, appeals, malpractice whichever is longer. Confidential destruction thereafter |
| Private candidate information | Information to enter a private candidate and manage their exams | Entries, results, access arrangements, medical conditions, contact information | Lockable metal filing cabinet Electronically on exam PC | In secure office (Main office)Secure user name & password | Retained until the deadline for EARs or resolution of any enquiries, appeals, malpractice whichever is longer. Confidential destruction thereafter |
| Resolving timetable clashes information | Any hard copy or electronic information relating to the resolution of a candidate’s clash of timetabled exam papers | Details of candidates’ names, exam numbers, entries, access arrangements | Lockable metal filing cabinet Electronically on exam PC | In secure office (Main office)Secure user name & password | Retained until the deadline for EARs or resolution of any enquiries, appeals, malpractice whichever is longer. Confidential destruction thereafter |
| Results information | Downloaded by EO following each exam seriesResults summarising candidate final grades by subject by exam series. | Details of candidates’ names, exam numbers, entries, results | Lockable metal filing cabinet Electronically on exam PC | In secure office (Main office) Secure user name & password | Results kept atschool for 5 yearsallowing for furthereducation and highereducation – in case of loss of certificates and needed results and exam board information |
| Seating plans | Produced by SIMS for use in exam rooms.Plans showing the seating arrangements of all candidates for every exam takenProduced by EO for each exam series | Candidate name, number, exam details, EAA details | Lockable metal filing cabinet Electronically on exam PC | In secure office (Main office)Secure user name & password | Results kept atschool for 5 yearsallowing for furthereducation and highereducation – in case of loss of certificates and needed results and exam board information |
| Special consideration information | Any hard copy or electronic information relating to a special consideration request and supporting evidence submitted to an awarding body for a candidate. | Details of candidates’ names, exam numbers, entries, access arrangements, medical / personal information | Lockable metal filing cabinet Electronically on exam PCExam Board websites | In secure office (Main office)Secure user name & password | 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. Confidential disposal |
| Suspected malpractice reports/outcomes |  Any information relating to a suspected or actual malpractice investigation/report submitted to an awarding body and outcome information from the awarding body. | Details of candidates’ names, exam numbers, entries, details of suspected malpractice | Lockable metal filing cabinet Electronically on exam PCExam Board websites | In secure office (Main office)Secure user name & password | Retained until the deadline for EARs or resolution of any enquiries, appeals, malpractice whichever is longer. Confidential destruction thereafter |
| Transferred candidate arrangements | Transferred candidate arrangements | Details of candidates’ names, exam numbers, entries, results, access arrangements, medical conditions, contact information | Lockable metal filing cabinet Electronically on exam PCExam Board websites | In secure office (Main office)Secure user name & password | Retained until the deadline for EARs or resolution of any enquiries, appeals, malpractice whichever is longer. Confidential destruction thereafter |
| Very late arrival reports/outcomes |  Very late arrival reports/outcomes | Details of candidates’ names, exam numbers, entries. Personal/ medical information relevant to the late arrival | Lockable metal filing cabinet Electronically on exam PC | In secure office (Main office)Secure user name & password | Retained until the deadline for EARs or resolution of any enquiries, appeals, malpractice whichever is longer. Confidential destruction thereafter |