



Exam Data Protection Policy

2023/24

This procedure is reviewed annually to ensure compliance with current regulations

Approved/reviewed by	
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Key staff involved in the policy

Role	Name(s)
Head of centre	Glenn Mellor
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Senior Leaders	James Heaton, Zoe Johal, Karen Taylor, Hannah Conway
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Data manager	Cathy Pierce

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Purpose of the policy

This policy details how Coventry Extended Learning Centre (CELC), 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
- Coventry City Council Education Team
- DFE
- Ofsted

This data may be shared via one or more of the following methods:

- hard copy
- email
- secure extranet site(s) – e.g. AQA Centre Services; OCR Interchange; Pearson Edexcel Online; WJEC Secure services
- Bromcom integrated A2C exchange (<https://www.jcq.org.uk/about-a2c>)

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

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

All candidates are:

- informed via email and hard copy on induction
- given access to this policy via link to the CELC website

Candidates are made aware of the above as part of the exam timetable information. At this point, the centre also brings to the attention of candidates the annually updated JCQ document **Information for candidates – Privacy Notice** which explains how the JCQ awarding bodies process their personal data in accordance with the DPA 2018 and UK GDPR (or law relating to personal data in any jurisdiction in which the awarding body or centre are operating).

Candidates eligible for access arrangements/reasonable adjustments which require awarding body approval using *Access arrangements online* are also required to provide their consent by signing the GDPR compliant JCQ candidate personal data consent form before approval applications can be processed online.

Section 3 – Hardware and software

The table below confirms how IT hardware, software and access to online systems is protected in line with DPA & GDPR requirements.

Hardware	Date of purchase and protection measures	Warranty expiry
Encrypted staff laptop	Not known – purchased and provided by Coventry City Council Education team	Not known

Software/online system	Protection measure(s)
CELC Bromcom database	Encrypted laptop and SIMS Password protected
Staff local one drive	Encrypted laptop
CELC Staff Sharepoint via CCC Intranet	Password protection and restricted access rights

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

Karen Taylor (CELC School Business Manager and GDPR Officer) will lead on investigating the breach.

It will be established:

- who needs to be made aware of the breach and inform them of what they are expected to do to assist in the containment exercise. This may include isolating or closing a compromised section of the network, finding a lost piece of equipment and/or changing the access codes
- whether there is anything that can be done to recover any losses and limit the damage the breach can cause. As well as the physical recovery of equipment, this could involve the use of back-up hardware to restore lost or damaged data or ensuring that staff recognise when someone tries to use stolen data to access accounts
- which authorities, if relevant, need to be informed

2. Assessment of ongoing risk

The following points will be considered in assessing the ongoing risk of the data breach:

- what type of data is involved?
- how sensitive is it?
- if data has been lost or stolen, are there any protections in place such as encryption?
- what has happened to the data? If data has been stolen, it could be used for purposes which are harmful to the individuals to whom the data relates; if it has been damaged, this poses a different type and level of risk
- regardless of what has happened to the data, what could the data tell a third party about the individual?
- how many individuals' personal data are affected by the breach?
- who are the individuals whose data has been breached?
- what harm can come to those individuals?
- are there wider consequences to consider such as a loss of public confidence in an important service we provide?

3. Notification of breach

Notification will take place to enable individuals who may have been affected to take steps to protect themselves or to allow the appropriate regulatory bodies to perform their functions, provide advice and deal with complaints.

4. Evaluation and response

Once a data breach has been resolved, a full investigation of the incident will take place. This will include:

- reviewing what data is held and where and how it is stored
- identifying where risks and weak points in security measures lie (for example, use of portable storage devices or access to public networks)
- reviewing methods of data sharing and transmission
- increasing staff awareness of data security and filling gaps through training or tailored advice
- reviewing contingency plans

Section 5 – Candidate information, audit and protection measures

For the purposes of this policy, all candidates' exam-related information – even that not considered personal or sensitive under the DPA/GDPR – will be handled in line with DPA/GDPR guidelines.

An information audit is conducted 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
- regular updates are undertaken by CCC ICT team

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 Cathy Pierce or on CELC Sharepoint.

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 Glenn Mellow in writing. Confirmation of identity will be required if the request is being made by a former student not 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 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 to verify the ID of both parties, has been provided.

In the case of looked-after children or those in care, agreements may already be in place for information to be shared with the relevant authorities (for example, the Local Authority). The centre's Data Protection Officer will confirm the status of these agreements and approve/reject any requests.

Sharing information with parents

The centre will consider 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
(Updated 24 August 2023 to include guidance on the role of the 'corporate parent', releasing GCSE results to a parent and notifying separated parents about a child moving school)
- **School reports on pupil performance**
www.gov.uk/guidance/school-reports-on-pupil-performance-guide-for-headteachers

Publishing exam results

CELC results are not published

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	ALS Lead / SENCo and EO each have a copy	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 Exams office	Secure user name and password In secure are solely assigned to exams	3 years as paper copy, scanned and retained electronically thereafter till student age 25
Attendance registers copies	Kept secure with Exams Officer	Date of exam Candidate name and number	Exams store	Locked with restricted access to keys	3 years
Candidates' scripts	Kept in Exam secure storage	Date of exam Candidate name and number	Exams Store	Locked with restricted access to keys	Kept secure until collected by Parcelforce which is same day or day after
Certificates	Kept with Exams Officer	Candidate name and number	Lockable metal filing cabinet	Locked with restricted access to keys	3 years
Conflicts of Interest information	Kept with Exams Officer	Staff name and details of any conflict	Sharepoint	Password protected	
Entry information	Kept with Exams Officer	Candidate name and number	Exams folder	SIMS and Online via password protected laptop Hard copy with EO	3 years as paper copy, scanned and retained electronically thereafter till student age 25

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	Kept with Exams Officer	Candidate name and number	Exams folder	Kept with EO	3 years as paper copy, scanned and retained electronically thereafter till student age 25
Invigilator and facilitator training records	Kept with Exams Officer	Name Training details	Exams folder	Kept with EO	1 year after they leave employment
Post-results services: confirmation of candidate consent information	Kept with Exams Officer	Candidate name Candidate number	Exams Folder	Kept with EO	3 years as paper copy, scanned and retained electronically thereafter till student age 25
Post-results services: requests/outcome information	Kept with Exams Officer	Candidate name Candidate number	Exams Folder	SIMS and Online via password protected laptop Hard copy with EO	3 years as paper copy, scanned and retained electronically thereafter till student age 25
Post-results services: scripts provided by ATS service	Kept with Exams Officer	Candidate name candidate number	Exams Folder	SIMS and Online via password protected laptop Hard copy with EO	3 years as paper copy, scanned and retained electronically thereafter till student age 25
Resolving timetable clashes information	Kept with Exams Officer	Candidate name Candidate number	Exams Folder	Kept with EO	3 years as paper copy, scanned and retained electronically thereafter till student age 25
Results information	Kept with Exams Officer	Candidate name Candidate number	Exams Folder	SIMS and Online via password protected laptop Hard copy with EO	3 years as paper copy, scanned and retained electronically thereafter till student age 25

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
Seating plans	Kept with Exams Officer	Candidate name Candidate number	Exams Folder	SIMS via password protected laptop Hard copy with EO	3 years as paper copy, scanned and retained electronically thereafter till student age 25
Special consideration information	Kept with Exams Officer	Candidate number Candidate name Personal info relating to SC reason	Exams Folder	SIMS and Online via password protected laptop Hard copy with EO	3 years as paper copy, scanned and retained electronically thereafter till student age 25
Suspected malpractice reports/outcomes	Kept with Exams Officer	Candidate name Candidate number	Exams Folder	Kept with EO	3 years as paper copy, scanned and retained electronically thereafter till student age 25
Very late arrival reports/outcomes	Very late arrival reports/outcomes	Candidate name Candidate number	Exams Folder	Kept with EO	3 years as paper copy, scanned and retained electronically thereafter till student age 25