The Ellesmere Port C of E College

Data Protection Policy for Examinations

Frank Field
Education Trust

Key staff involved in the policy

Role	Name(s)
Head of centre	Catherine Green
Exams officer	Claire McDavid
Senior leader(s)	James Gatrell, Liz Connolly, Stephen Murphy, Vikkie Waites, Phoebe Wright
IT manager	Mark Clyde & Paul Jones
Data manager	Paula Carson

Role	Name(s)

Contents

Purpose of the policy

This policy details how Ellesmere Port Church of England College (EPC), 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. (JCQ General Regulations for Approved Centres (section 6.1) **Personal data**)

Students are given the right to find out what information the centre holds about them, how 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; Consortium; the Press; etc.

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
- 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

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

All candidates are:

- given access to this policy via centre website and written request
- Candidates are made aware of the above 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 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
Desktop Computer Laptops	Individual usernames & passwords Firewalls & Sophos Antivirus Protection maintained by IT Dept.	Maintained by IT Dept

Software/online system	Protection measure(s)
SIMS	Individual usernames and passwords
Awarding body secure extranet site(s)	Individual Usernames and passwords SLT/HOD approval to approve the creation of new user accounts and determine access rights
A2C	Exams Officer and SIMS Manager only to have access
SISRA	James Gatrell only to have ADMIN 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

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 5 – Candidate information, audit and protection measures

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

An information audit is conducted annually.

The table below details the type of candidate exams-related information held, and how it is managed, stored and protected

Protection measures may include:

- password protected area on the centre's intranet
- secure drive accessible only to selected staff
- information held in secure area
- updates undertaken when available (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 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 in writing 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.

Sharing information with parents

The centre will take into account any other legislation and guidance regarding sharing information with parents (including non-resident parents), as example guidance from the Department for Education (DfE) regarding parental responsibility and school reports on pupil performance:

- **Understanding and dealing with issues relating to parental responsibility**
  www.gov.uk/government/publications/dealing-with-issues-relating-to-parental-responsibility/understanding-and-dealing-with-issues-relating-to-parental-responsibility
- **School reports on pupil performance**
  www.gov.uk/guidance/school-reports-on-pupil-performance-guide-for-headteachers

Publishing exam results

When considering publishing exam results, Ellesmere Port Church of England College 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?

Ellesmere Port church of England College 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 Ellesmere Port Church of England College 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 the 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		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 SIMS Lockable metal filing cabinet in the Exams & SENCo Offices	Secure user name and password [As Above] The Exams Office is always locked	Records held by Exams Officer are returned to the SENCo as records owner at the end of the candidates' final exam series
Alternative site arrangements		Candidate name Candidate Number Candidate tier information (where applicable)	Access Arrangements Online SIMS Lockable Filing Cabinet in Secure Exams Office	Secure user name and password [As Above] The Exams Office is always locked.	Until deadline for reviews of marking has passed or until any appeal, malpractice or other results enquiry has been completed, whichever is the latest for the relevant exam series
Attendance registers copies		Candidate name Candidate Number	Secure Exams Office	Lockable filing cabinet	Until deadline for reviews of marking has passed or until

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
		Candidate tier information (where applicable)			other results enquiry has been completed, whichever is the latest for the relevant exam series any appeal, malpractice or
Candidates' scripts		Candidate name Candidate Number	Secure departmental storage areas	Lockable cabinets	Until deadline for reviews of marking has passed or until any appeal, malpractice or other results enquiry has been completed, whichever is the latest for the relevant exam series
Candidates' work		Candidate name Candidate Number	Secure departmental storage areas	Lockable cabinets	Until deadline for reviews of marking has passed or until any appeal, malpractice or other results enquiry has been completed, whichever is the latest for the relevant exam series

Information type	Information description (where required)	What personal/sensitive data is/may be contained in the information	Where information is stored	How information is protected	Retention period
Certificates		Candidate name Candidate Number Candidate DOB Exams Taken Exam Results	Secure Exams Office	The Exams Office is always locked.	Records retained in accordance with the requirements of GR, section 5.14 (…retain all unclaimed certificates under secure conditions for a minimum of 12 months from the date of issue…)
Certificate destruction information		Candidate name Candidate Number Candidate DOB Exams Taken Exam Results	Secure exams area on the IT network -Y: drive	Access to the area is password protected	A record of certificates that have been destroyed should be retained for four years from their date of destruction.
Certificate issue information		Candidate name Candidate signature	Secure Exams Office	The Exams Office is always locked.	To be retained for 4 years from the date of certificate destruction
Conflicts of interest records		Candidate name Candidate Number Candidate DOB	Secure Exams Office	The Exams Office is always locked.	Records retained in accordance with the requirements of GR, section 5.3 (…The records may be inspected by a JCQ Centre Inspector and/or awarding body staff. They might be requested in the event of concerns being reported to an awarding body.

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
					The records must be retained until the deadline for reviews of marking has passed or until any appeal, malpractice or other results enquiry has been completed, whichever is later.)
Entry information		Candidate name Candidate Number Candidate tier information (where applicable)	Secure Exams Office	The Exams Office is always locked.	Where specific retention information is not provided by JCQ or other authorised organisation, entry information is retained at the very least until after the deadline for reviews of results or other results enquiries (or the resolution of any outstanding reviews/appeals or malpractice investigations) for the relevant exams series)
Exam room incident logs		Candidate name, Candidate number, Record of incident during exam which may include personal candidate details e.g. illness	Secure Exams Office	The Exams Office is always locked.	Where specific retention information is not provided by JCQ or other authorised organisation, exam room incident logs are retained at the

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
		Invigilator names			very least until after the deadline for reviews of results or other results enquiries (or the resolution of any outstanding reviews/appeals or malpractice investigations) for the relevant exams series)
Invigilator and facilitator training records		Invigilator names Invigilator signatures	Secure Exams Office	The Exams Office is always locked.	Records retained in accordance with the requirements of ICE, section 12 (A record of the content of the training given to invigilators and those facilitating an access arrangement for a candidate under examination conditions must be available for inspection and retained on file until the deadline for reviews of marking has passed or until any appeal, malpractice or other results enquiry has been completed, whichever is later. A record of the content of the training

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
					given to invigilators and those facilitating an access arrangement for a candidate under examination conditions must be available for inspection and retained on file until the deadline for reviews of marking has passed or until any appeal, malpractice or other results enquiry has been completed, whichever is later.).
Overnight supervision information		Candidate name Candidate number Details of overnight supervision arrangements Candidate address Candidate contact details	Secure Exams Office	The Exams Office is always locked.	Records retained in accordance with the requirements of ICE, section 8 (...keep all completed forms available for inspection until the deadline for reviews of marking has passed or until any appeal, malpractice or other results enquiry has been completed, whichever is later. Forms may be stored electronically or in

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
					hard copy paper format and must not be sent to an awarding body, unless specifically requested...)
Post-results services: confirmation of candidate consent information		Candidate name Candidate number Candidate tiers Candidate email address (where applicable) Candidate signature (where applicable)	Secure Exams Office Outlook	The Exams Office is always locked. Password protected	Records retained in accordance with the requirements of PRS, section 4, appendices A, B (Consent forms or e-mails from candidates must be retained by the centre and kept for at least six months following the outcome of the clerical re-check or review of marking or any subsequent appeal. The awarding bodies reserve the right to inspect such documentation. This form should be retained on the centre's files for at least six months following the outcome of the clerical re-check, review of marking or any subsequent appeal. This form should be retained on the centre's files

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
					for at least six months.)
Post-results services: requests/outcome information		Candidate name Candidate number Candidate tiers	Secure Exams Office SIMS	The Exams Office is always locked. Password protected	Where specific retention information is not provided by JCQ or other authorised organisation, post-results services: request/outcome information is retained at the very least until after the deadline for reviews of results or other results enquiries (or the resolution of any outstanding reviews/appeals or malpractice investigations) for the relevant exams series).
Post-results services: scripts provided by ATS service		Candidate name Candidate number Qualification grades and marks Candidate answers to questions	Secure area on IT network – Y: drive Awarding body secure extranet site Secure departmental areas Secure exams Office	Password protected Password Protected Lockable cabinets The Exams Office is always locked	Where specific retention information is not provided by JCQ or other authorised organisation, post-results services: request/outcome information is retained at the very least until after the deadline for reviews of results or other results enquiries (or the

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
					resolution of any outstanding reviews/appeals or malpractice investigations) for the relevant exams series).
Post-results services: tracking logs		Candidate name Candidate number Qualification grades & Tiers	Secure area on IT network – Y: drive Secure Exams Officer	Secure user name and password The Exams Office is always locked	Where specific retention information is not provided by JCQ or other authorised organisation, post-results service: tracking logs are retained at the very least until after the deadline for reviews of results or other results enquiries (or the resolution of any outstanding reviews/appeals or malpractice investigations) for the relevant exams series).
Resolving timetable clashes information		Candidate name Candidate number Candidate timetable	SIMS Secure area on IT network – Y: drive Secure Exams Office	Secure user name and password The Exams Office is always locked	Where specific retention information is not provided by JCQ or other authorised organisation, private candidate information is retained at the very least until after the deadline for reviews of results or

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
					other results enquiries (or the resolution of any outstanding reviews/appeals or malpractice investigations) for the relevant exams series).
Results information		Candidate name Candidate number Candidate UCI Candidate ULN Candidate DoB Qualification grades	SIMS Secure area on IT network – Y: drive Secure Exams Office	Secure user name and password The Exams Office is always locked	Records for current year plus previous 6 years retained as a minimum.
Seating plans		Candidate name Candidate number Candidate tiers (where applicable)	SIMS Secure area on IT network – Y: drive Secure Exams Office	Secure user name and password The Exams Office is always locked	Records retained in accordance with the requirements of ICE, section 12 (…keep signed records of the seating plan, the invigilation arrangements and the centre's copies of the attendance registers for each examination. The awarding bodies may need to refer to these records. The centre must keep them until the deadline for reviews of marking

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
					has passed or until any appeal, malpractice or other results enquiry has been completed, whichever is later.).
Special consideration information		Candidate name Candidate number Candidate tiers (where applicable) Candidate DoB Medical/Safeguarding details (where applicable)	Awarding body secure extranet site Secure area on IT network – Y: drive Secure Exams Office	Secure user name and password The Exams Office is always locked	Records retained in accordance with the requirements of SC, section 6 (All applications must be supported by signed evidence produced by a member of the senior leadership team. The centre must retain this evidence until after the publication of results.)
Suspected malpractice reports/outcomes		Candidate name Candidate number Candidate UCI Qualification codes Personal details pertaining to the incident Evidence	Awarding body secure extranet site Secure area on IT network – Y: drive Secure Exams Office	Secure user name and password The Exams Office is always locked	Where specific retention information is not provided by JCQ or other authorised organisation, suspected malpractice reports/outcomes information is retained at the very least until after the deadline for reviews of results or other results enquiries (or the resolution of any

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
					outstanding reviews/appeals or malpractice investigations) for the relevant exams series).
Transferred candidate arrangements		Candidate name Candidate number Candidate UCI Candidate ULN Candidate DoB Entry codes Tier information (where applicable)	Awarding body secure extranet site Secure area on IT network – Y: drive Secure Exams Office	Secure user name and password The Exams Office is always locked	Where specific retention information is not provided by JCQ or other authorised organisation, transferred candidate arrangements information is retained at the very least until after the deadline for reviews of results or other results enquiries (or the resolution of any outstanding reviews/appeals or malpractice investigations) for the relevant exams series).
Very late arrival reports/outcomes		Candidate name Candidate number Entry codes Tier information (where applicable)	Awarding body secure extranet site Secure Exams Office	Secure user name and password The Exams Office is always locked	Where specific retention information is not provided by JCQ or other authorised organisation, very late arrival reports/outcomes are retained at the very

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
					least until after the deadline for reviews of results or other results enquiries (or the resolution of any outstanding reviews/appeals or malpractice investigations) for the relevant exams series).