

Ormiston Sudbury Academy

Centre Number 19347

DATA PROTECTION POLICY

(Exams)

2023/24

This policy is reviewed annually to ensure compliance with current regulations

| | |
|----------------------|------------------|
| Approved/reviewed by | |
| Mr Dominic Howkins | |
| Date of next review | Autumn Term 2024 |

Key staff involved in the policy

| Role | Name(s) |
|------------------|---|
| Head of centre | Mrs Sally Morris (Principal) |
| Exams officer | Miss Kirsty Phillips |
| Senior leader(s) | Mr Dominic Howkins (Vice Principal) Mrs Emma Price (Vice Principal) Miss Lesley Turner (Assistant Principal) Mr Paul Stokes (Assistant Principal) Mr Leo Cox (Assistant Principal) |
| DPO | Mrs Sally Morris (Principal) |
| Data manager | Miss Kirsty Phillips |

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Purpose of the policy

This policy details how Ormiston Sudbury 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](#) (section 6.1) reference is made to 'data protection legislation'. This is intended to refer to UK GDPR, the Data Protection Act 2018 and any statutory codes of practice issued by the Information Commissioner in relation to such legislation.

Students are given the right to find out what information the centre holds about them, how this is protected, how this can be accessed and how data breaches are dealt with.

All exams office staff responsible for collecting and sharing candidates' data are required to follow strict rules called 'data protection principles' ensuring the information is:

- used fairly and lawfully
- used for limited, specifically stated purposes
- used in a way that is adequate, relevant and not excessive
- accurate
- kept for no longer than is absolutely necessary
- handled according to people's data protection rights
- kept safe and secure

To ensure that the centre meets the requirements of the DPA 2018 and UK GDPR, all candidates' exam information – even that which is not classified as personal or sensitive – is covered under this policy.

Section 1 – Exams-related information

There is a requirement for the exams office(r) to hold exams-related information on candidates taking external examinations. For further details on the type of information held please refer to Section 5 below.

Candidates' exams-related data may be shared with the following organisations:

- Awarding bodies
- Joint Council for Qualifications (JCQ)
- Department for Education; Local Authority; Multi Academy Trust; Consortium; the Press

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

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

All candidates are:

- given access to this policy via centre website

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.

| Hardware | Date of purchase and protection measures | Warranty expiry |
|------------------|---|-----------------|
| Desktop computer | Hardware is set to auto check by ICT dept; checks hard drive scans; antivirus protection up to date | N/A |

| Software/online system | Protection measure(s) |
|-------------------------------------|--|
| MIS (Capita Sims) | Protected usernames and passwords; rules for password setting (use of a mix of upper/lower case letters and numbers); rules for regularity of password changing; centre administrator has to approve the creation of new user accounts and determine access rights |
| Intranet | Protected usernames and passwords; rules for password setting (use of a mix of upper/lower case letters and numbers); rules for regularity of password changing; centre administrator has to approve the creation of new user accounts and determine access rights |
| Internet browser | Protected by Smoothwall application; regular checks to firewall/Antivirus software |
| Awarding body secure extranet sites | Protected usernames and passwords; rules for password setting (use of a mix of upper/lower case letters and numbers); exams officer has to approve the creation of new user accounts and determine access rights. 2 Factor Authentication used. |
| A2C | regular checks to firewall/Antivirus software |

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

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 6 monthly.

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 every 6 months (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, Academy website.

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/email and ID will need to be confirmed if a former candidate is unknown to current staff.

The GDPR does not specify an age when a child can request their exam results or request that they aren't published. When a child makes a request, those responsible for responding should take into account whether:

- the child wants their parent (or someone with parental responsibility for them) to be involved; and
- the child properly understands what is involved.

The ability of young people to understand and exercise their rights is likely to develop or become more sophisticated as they get older. As a general guide, a child of 12 or older is expected to be mature enough to understand the request they are making. A child may, of course, be mature enough at an earlier age or may lack sufficient maturity until a later age, and so requests should be considered on a case by case basis.

A decision will be made by the Head of Centre as to whether the student is mature enough to understand the request they are making, with requests considered on a case by case basis.

Responding to requests

If a request is made for exam information before exam results have been published, a request will be responded to:

- within five months of the date of the request, or
- within 40 days from when the results are published (whichever is earlier).

If a request is made once exam results have been published, the individual will receive a response within one month of their request.

Third party access

Permission should be obtained before requesting personal information on another individual from a third-party organisation.

Candidates' personal data will not be shared with a third party unless a request is accompanied with permission from the candidate and appropriate evidence (where relevant), to verify the ID of both parties, provided.

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

Sharing information with parents

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
(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

When considering publishing exam results, Ormiston Sudbury 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?

As Ormiston Sudbury 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 Data Protection Officer, 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 MIS Exams office | Secure username and password Secure username and password In secure office (exams) | To be returned to SENCo as records owner at end of the candidate's final exam series |
| Alternative site arrangements | | Candidate name | Centre Admin Portal Exams office | Secure username and password In locked filing cabinet | To be retained until after the deadline for RoRs or until any appeal, malpractice or other results enquiry has been completed, whichever is later. |
| Attendance registers copies | | Candidate name | Exams office | In secure area solely assigned to exams | To be retained until after the deadline for RoRs or until any appeal, malpractice or other results enquiry has been completed, whichever is later. |
| Candidates' scripts | | Candidate name Candidate signature Candidate number | Faculty office | In locked filing cabinets | To be retained securely until the awarding body's earliest date for confidential disposal of unwanted scripts. <i>Where teachers have used copies of candidates' scripts for teaching and learning purposes but no longer wish to retain them, they must ensure that the scripts are disposed of in a confidential manner.</i> |

| 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 |
|-------------------------------------|--|---|-----------------------------|---|--|
| | | | | | [Reference PRS 6] |
| Candidates' work | | Candidate name Candidates signature | Classrooms | Locked cupboards / filing cabinets | To be immediately returned to subject staff as records owner. To store safely and securely all non-examination assessments, including controlled assessments, coursework or portfolios, retained in, or returned to, the centre until the deadline for a review of moderation has passed or until a review of moderation, an appeal or a malpractice investigation has been completed, whichever is later. This includes materials stored electronically. [Reference GR 3] |
| Certificates | | Candidate name Candidate DOB | Reception | Filing cabinet in locked room | <i>...retain all unclaimed certificates under secure conditions for a minimum of 12 months from the date of issue</i> [Reference GR 5] |
| Certificate destruction information | | Candidate name | Reception | Filing cabinet in locked room | <i>...destroy any unclaimed certificates after retaining them for a minimum of 12 months. They must be destroyed in a confidential manner. Centres that do not have a means of destroying certificates confidentially may return them to the respective awarding body. A record of certificates that have been destroyed should be retained for four years from their date of destruction. However, candidates should be informed that some awarding bodies do not offer a replacement certificate service. In such circumstances the awarding body will issue a Certifying Statement of Results;</i> [Reference GR 5] |
| Certificate issue information | | Candidate name Candidate signature | Exams office | In secure area solely assigned to exams | <i>...distribute certificates to all candidates without delay and regardless of any disputes (such as non-payment of fees). Certificates must not be withheld without prior permission from an awarding body which will only be</i> |

| 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 |
|--|--|---|--------------------------------|---|---|
| | | | | | <i>given in very exceptional circumstances. A record should be kept of the certificates that are issued;</i> [Reference GR 5] |
| Conflicts of interest records | | Staff name | Exams office | In secure area solely assigned to exams | 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. [Reference GR 5] |
| Entry information | | Candidate name Staff signature | Exams office MIS | In secure area solely assigned to exams Secure username and password | To be retained until after the deadline for RoRs or until any appeal, malpractice or other results enquiry has been completed, whichever is later. |
| Exam room incident logs | | Candidate name Staff signature | Exams office | In secure area solely assigned to exams | To be retained until after the deadline for RoRs or until any appeal, malpractice or other results enquiry has been completed, whichever is later. |
| Invigilator and facilitator training records | | Staff name Staff signature | Exams office | In secure area solely assigned to exams | <i>A record of the content of the training given to invigilators 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.</i> <i>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.</i> [Reference ICE 12, 13] |
| Overnight supervision information | | Candidate name Candidate signature | Exams Office | In secure area solely assigned to exams | <i>...keep for inspection all completed forms available in your centre until the deadline for reviews of marking has passed or until any appeal, malpractice or other</i> |

| 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 |
|--|--|---|-----------------------------|---|---|
| | | Parental signature | | | <i>results enquiry has been completed, whichever is later. Forms may be stored electronically or in hard copy paper format and must not be sent to an awarding body, unless specifically requested;</i> [Reference ICE 8] |
| Post-results services: confirmation of candidate consent information | | Candidate name Candidate signature | Exams Office | In secure area solely assigned to exams | <i>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.</i> ATS consent to be retained for at least six months from the date consent given. [Reference PRS 4 , appendix A and B] |
| Post-results services: requests/outcome information | | Candidate name Candidate signature | Exams Office | In secure area solely assigned to exams | To be retained until after the deadline for RoRs or until any appeal, malpractice or other results enquiry has been completed, whichever is later. |
| Post-results services: scripts provided by ATS service | | Candidate name | With faculties | In locked filing cabinets | To be retained securely until the awarding body's earliest date for confidential disposal of unwanted scripts. <i>Where teachers have used copies of candidates' scripts for teaching and learning purposes but no longer wish to retain them, they must ensure that the scripts are disposed of in a confidential manner.</i> [Reference PRS 6] |
| Post-results services: tracking logs | | Candidate name | Exams Office | In secure area solely assigned to exams | To be retained until after the deadline for RoRs or until any appeal, malpractice or other results enquiry has been completed, whichever is later. |
| Resolving timetable clashes information | | Candidate name | Exams Office | In secure area solely assigned to exams | To be retained until after the deadline for RoRs or until any appeal, malpractice or other results enquiry has been completed, whichever is later. |

| 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 |
|--|--|---|---|---|---|
| Results information | | Candidate name | Exams Office MIS | In secure area solely assigned to exams Secure username and password | Records for current year plus previous 6 years to be retained as a minimum |
| Seating plans | | Candidate number Staff signatures | Exams Office | In secure area solely assigned to exams | <i>...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. You must keep them until the deadline for reviews of marking has passed or until any appeal, malpractice or other results enquiry has been completed, whichever is later.</i> [Reference ICE 12] |
| Special consideration information | | Candidate name Medical information | Exams Office Awarding body secure websites | In secure area solely assigned to exams Secure username and password | <i>Where a candidate is present but disadvantaged for a timetabled written examination a proportion of cases will be sampled for quality assurance purposes. A centre may be asked by an awarding body to provide evidence in support of an application. The centre must retain evidence supporting an on-line special consideration application until after the publication of results. Where a candidate is absent from an examination for an acceptable reason a proportion of cases will be sampled for quality assurance purposes. A centre may be asked by an awarding body to provide signed evidence, produced by a member of the senior leadership team, in support of an application. The centre must retain evidence supporting a candidate's absence from an examination until after the publication of results.</i> [Reference SC 6] |
| Suspected malpractice reports/outcomes | | Candidate name | Exams Office | In secure area solely assigned to exams | To be retained until after the deadline for RoRs or until any appeal, malpractice or other results enquiry has been completed, whichever is later. |

| 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 |
|------------------------------------|--|---|-----------------------------|---|--|
| Transferred candidate arrangements | Transferred candidate arrangements | Candidate name | Exams Office | In secure area solely assigned to exams | To be retained until after the deadline for RoRs or until any appeal, malpractice or other results enquiry has been completed, whichever is later. |
| Very late arrival reports/outcomes | Very late arrival reports/outcomes | Candidate name | Exams Office | In secure area solely assigned to exams | To be retained until after the deadline for RoRs or until any appeal, malpractice or other results enquiry has been completed, whichever is later. |
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