

## Data Protection Strategy (Exams)

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## Key staff involved in the strategy

Role	Name
Head of Centre	Mr P Averis
Senior leader(s)	Mrs K Peacock
Exams officer	Miss N Harding
Other staff (if applicable)	Exec SLT

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## Purpose of the policy

This policy details how Kingsmead School, in relation to exams management and administration, ensures compliance with the regulations as set out by the Data Protection Act 2018 (DPA 2018) and UK General Data Protection Regulation (GDPR).

The delivery of examinations and assessments involve centres and awarding bodies processing a significant amount of personal data (i.e. information from which a living individual might be identified). It is important that both centres and awarding bodies comply with the requirements of the UK General Data Protection Regulation and the Data Protection Act 2018 or law relating to personal data in any jurisdiction in which the awarding body or centre are operating.

In JCQ's [General Regulations for Approved Centres](#) (section 6) 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.

It is the responsibility of the centre to inform candidates of the processing that the centre undertakes. For example, that the centre will provide relevant personal data, including name, date of birth and gender to the awarding bodies for the purpose of examining and awarding qualifications.

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
- John Taylor Multi Academy Trust
- 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 Portal*
- a Management Information System (MIS) provided by Bromcom 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 including controlled assessments and coursework, special consideration requests and exam results/post-results/certificate information.

## Section 2 – Informing candidates of the information held

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

All candidates are:

- informed via electronic communication
- given access to this policy via the centre website

Candidates are made aware of the above when the registrations/entries are submitted to awarding bodies for processing.

Materials which are submitted by candidates for assessment may include any form of written work, audio and visual materials, computer programs and data (“Student Materials”). Candidates will be directed to the relevant awarding body’s privacy notice if they require further information about how their Student Materials may be used by the awarding body.

Candidates eligible for access arrangements/reasonable adjustments which require awarding body approval will be informed that an application for access arrangements will be processed using *Access arrangements online*, complying with the UK GDPR and the Data Protection Act 2018.

Candidates involved in suspected or alleged malpractice will be informed that their personal data will be provided to the awarding body (or bodies) whose examinations/assessments are involved, and that personal data about them may also be shared with other awarding bodies, the qualifications regulator or professional bodies, in accordance with the JCQ document *Suspected Malpractice – Policies and Procedures*.

Candidates will be informed:

- that awarding bodies may be required to provide a candidate’s personal data to educational agencies, such as DfE, Welsh Government, Department of Education (Northern Ireland), ESFA, regulators, HESA, UCAS, Local Authorities and the Learning Records Service (LRS)
- that their personal data may be provided to a central record of qualifications approved by the awarding bodies for statistical and policy development purposes
- of the processing that the centre undertakes, for example, that the centre will provide relevant personal data, including name, date of birth and gender, to the awarding bodies for the purpose of examining and awarding qualifications

Candidates may obtain access to their personal data, such as examination results by applying to the appropriate awarding body’s data protection officer.

Candidates are also referred to the centre’s privacy notice which explains:

- why Kingsmead School needs to collect personal data
- what it plans to do with it
- how long it will keep it
- whether it will be sharing it with any other organisation

## 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 Laptop	Administrator Access is restricted to IT Support Staff Only. Devices and servers are protected by Microsoft Defender. Website filtering is provided by Sophos and managed by IT Support Staff. IT are notified of any irregular searches.	Three- or Five-Year warranty with all devices we buy. Maintenance is carried out by the IT Department.

	Regular updates are sent round via the network. All PCs are 5 years old or newer.	
File Server	All exam work is saved to either the students network-stored N Drive or if needed an exam account. Files are secured on the network and backed up on a daily basis, then backed up to the cloud also on a daily basis, only accessible via a MAT-level admin login. Passwords for exam accounts are reset every time they are re-used, and accounts are switched off outside of exams.	
Data Transfer	All systems transferring data via corporate WIFI are encrypted to WPA2 Enterprise level.	

Software/online system	Protection measure(s)
Exam WritePad	As above, files are stored on the network user area and only accessible via the passworded account.
Bromcom	Access controlled by username and password. Accounts have specified access rights. We are aware of what data we store, and the level of sensitivity. Administrator accounts regularly reviewed and monitored. Restricted access to admin level privileges. Inactive or no longer required user accounts are disabled. Archive and deletion are dependent on user's role and need for making data available for ex-students.
Awarding body secure extranet site[s]: ☑ eAQA ☑ OCR Interchange ☑ Pearson Edexcel Online	☑ Access controlled by username and password ☑ Accounts have specified access rights ☑ Centre administrator has to approve the creation of new user accounts and determine access rights.
A2C	Access controlled by username and password for computer login and separate user/pass for A2C software (if not handled through Bromcom).
Google Chrome	All Internet browsing takes place on a controlled connection, based on rules set for education.
Microsoft Edge	All Internet browsing takes place on a controlled connection, based on rules set for education.

## 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

Mrs K Peacock 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 centre's Exams Archiving Strategy details the type of candidate exams-related information held. Protection measures may include:

- password protected area on the centre's intranet
- secure drive accessible only to selected staff
- information held in secure area
- updating antivirus software, firewalls, internet browsers etc. as and when these become available.

## **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 Strategy which is available/accessible from the school website.

## Section 7 – Access to information

(With reference to ICO information <https://ico.org.uk/for-the-public/schools/exam-results/>)

The UK 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 Mrs K Peacock in writing/email. The ID of a former candidate will need to be confirmed if they are 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.

### Publishing exam results

When considering publishing exam results, Kingsmead School 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?

## Section 8 – Table recording candidate exams-related information held

For details of how to request access to information held, refer to section 7 of this policy (**Access to information**)

For further details of how long information is held, refer to section 6 of this policy (**Data retention periods**)

Information type	What personal/sensitive data is/may be contained in the information	Where information is stored	How information is protected	Retention period
Access arrangements information	Candidate 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 Lockable metal filing cabinet	Secure username and password In secure area solely assigned to exams	To be retained until the end of the current examination series or until after the deadline for EARs or the resolutions of any outstanding enquires, appeals or malpractice investigations. To be archived in exams storage
Attendance registers copies	Name, Candidate Number	In exam filing cabinet in a secure storage area	Locked filing cabinet in a secure storage area with a double locked door	To be retained until the deadline for EARs or the resolution of any outstanding enquiries/appeals for the relevant exams series.
Candidates' work	Name, Candidate Number	To be immediately returned to subject staff as records owner. To be stored safely and securely along with work that did not form part of the moderation sample [including materials stored electronically] until after the deadline for EARs or the resolution of any outstanding enquiries/appeals or malpractice investigations for the exam series.	Locked in secure filing cabinet	12 Months
Certificates	Name, Candidate Number	In Exam filing cabinet in the secure storage area	Locked filing cabinet in a secure storage area with a double locked door	12 months
Certificate destruction information	Name, Candidate Number	In Exam filing cabinet in the secure storage area	Locked filing cabinet in a secure storage area with a Double locked door	4 Years

Information type	What personal/sensitive data is/may be contained in the information	Where information is stored	How information is protected	Retention period
Certificate issue information	Name, Candidate Number	In Exam filing cabinet in the secure storage area	Locked filing cabinet in a secure storage area with a double locked door	3 Years
Conflicts of interest records	Name, Candidate Number	In Exam filing cabinet in the secure storage area	Locked filing cabinet in a secure storage area with a double locked door	12 months
Entry information	Name, Candidate Number	In Exam filing cabinet in the secure storage area	Locked filing cabinet in a secure storage area with a double locked door	Digital copies stored on the exams area indefinitely.
Exam room incident logs	Name, Candidate Number	To be retained and accessible for EARs or the resolution of any outstanding enquiries/appeals for the relevant exams series.	Locked filing cabinet in a secure storage area with a double locked door	To be retained and accessible for EARs or the resolution of any outstanding enquiries/appeals for the relevant exams series.
Post-results services: confirmation of candidate consent information	Name, Candidate Number	In Exam filing cabinet in the secure storage area	Locked filing cabinet in a secure storage area with a double locked door	EAR consent to be retained for at least six months following the outcome of the enquiry or any subsequent appeal. ATS consent to be retained for at least six months from the date consent given.
Post-results services: requests/outcome information	Name, Candidate Number	In Exam filing cabinet in the secure storage area	Locked filing cabinet in a secure storage area with a double locked door	To be retained for at least 6 months
Post-results services: scripts provided by ATS service	Name, Candidate Number			Where scripts are retained by the centre, they are securely stored [including any electronic versions] and not edited in any way or disposed of until after the awarding body deadline.
Post-results services: tracking logs	Name, Candidate Number	In Exam filing cabinet in the secure storage area	Locked filing cabinet in a secure storage area with a double locked door	12 Months
Private candidate information	Name, Candidate Number	In Exam filing cabinet in the secure storage area	Locked filing cabinet in a secure storage area with a double locked door	12 Months
Resolving timetable clashes information	Name, Candidate Number	In Exam filing cabinet in the secure storage area	Locked filing cabinet in a secure storage area with a double locked door	To be retained on file until the end of the exam series or to be retained and accessible for EARs or the resolution of any outstanding enquiries/appeals for the relevant exams series.

<b>Information type</b>	<b>What personal/sensitive data is/may be contained in the information</b>	<b>Where information is stored</b>	<b>How information is protected</b>	<b>Retention period</b>
Results information	Name, Candidate Number	In Exam filing cabinet in the secure storage area	Locked filing cabinet in a secure storage area with a double locked door	Records for current year plus previous 6 years to be retained as a minimum.
Seating plans	Name, Candidate Number	In Exam filing cabinet in the secure storage area	Locked filing cabinet in a secure storage area with a double locked door	To be kept until the deadline for EARs and the resolution of any outstanding enquiries/appeals for the relevant exams series.
Special consideration information	Name, Candidate Number	In Exam filing cabinet in the secure storage area	Locked filing cabinet in a secure storage area with a double locked door	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.
Suspected malpractice reports/outcomes	Name, Candidate Number	In Exam filing cabinet in the secure storage area	Locked filing cabinet in a secure storage area with a double locked door	Digital copies to store on the exams area. Hard copies to be archived in exams storage for 12 Months.
Transferred candidate arrangements	Name, Candidate Number	In Exam filing cabinet in the secure storage area	Locked filing cabinet in a secure storage area with a double locked door	To be retained until the transfer arrangements are confirmed by the awarding body.
Very late arrival reports/outcomes	Name, Candidate Number	In Exam filing cabinet in the secure storage area	Locked filing cabinet in a secure storage area with a double locked door	To be retained until the end of the current examination series or until after the deadline for EARs or the resolutions of any outstanding enquires appeals or malpractice investigations.