

# General Data Protection Regulation procedure (exams) 2018/19

This procedure is reviewed annually to ensure compliance with current regulations

## Key staff involved in the General Data Protection Regulation procedure (exams)

| Role                        | Name(s)           |
|-----------------------------|-------------------|
| Head of centre              | Mr Jon Wood       |
| Senior Exams officer        | Mrs Shirley Dobra |
| Assistant Headteacher Exams | Dr Joel Dunn      |

## Purpose of the procedure

This procedure details how The Judd 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 General Data Protection Regulation (GDPR).

The content of this procedure, which is specific to exams, is in addition to that covered in the school's GDPR [Privacy Notice](#), located on The Judd School web site / Data Protection and GDPR.

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
- ▶ not transferred outside the European Economic Area without adequate protection

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

## Section 1 – Exams-related information

There is a requirement for the exams office to hold exams-related information on candidates taking external examinations. For further details on the type of information held please refer to [Section 3 – Candidate information, audit and protection measures](#).

The main organisations with whom we share candidates' exams-related data are:

- ▶ Awarding bodies
- ▶ Joint Council for Qualifications
- ▶ Department for Education (DfE)
- ▶ Local authority
- ▶ Schools or colleges that you attend after leaving The Judd School

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

- ▶ hard copy
- ▶ email
- ▶ awarding body secure extranet site(s) – eAQA; OCR Interchange; Pearson Edexcel Online; Cambridge Assessment International Education CIE Direct
- ▶ Management Information System (MIS) provided by Capita SIMS electronic file transfers

- ▶ 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

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

All candidates are:

- ▶ are signposted to the JCQ document [Information for Candidates – Privacy Notice](#). The document is attached to their initial exam timetable which is emailed to candidates/parents/guardians once exam entries are submitted to the awarding bodies for processing
- ▶ given access to this procedure via [The Judd School web site / Exams](#)
- ▶ given access to [The Judd School GDPR Privacy Notice](#) via the school's web site

## Section 3 – Candidate information, audit and protection measures

For the purposes of this procedure, 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 [Section 6 table](#) 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 school's intranet
- ▶ secure drive accessible only to relevant staff
- ▶ information held in exams secure area
- ▶ software updates undertaken regularly for antivirus software, firewalls, internet browsers, SIMS the MIS, etc.

## Section 4 – 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 [Section 6 table](#).

## Section 5– Access to information

Current and former candidates can request access to exams specific information/data held on them by making a request to the exams office in writing or by email. If a former candidate is unknown to

current staff, appropriate ID such as passport or birth certificate will need to be confirmed to the exams office. All requests will be dealt with within fifteen school days.

### **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. This request may be in writing or by email. The permission from the candidate must be signed and in writing, and may be attached to an email.

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 DfE document [Understanding and dealing with issues relating to parental responsibility](#) (updated 3 September 2018) explains who is a 'parent' under education law:

Section 576 of the Education Act 1996 states that a 'parent', in relation to a child or young person, includes any person who is not a parent (from which can be inferred 'biological parent') but who has parental responsibility, or who has care of the child.

For the purposes of education law, the Department for Education considers a 'parent' to include:

- all biological parents, whether they are married or not
- any person who, although not a biological parent, has parental responsibility for a child or young person - this could be an adoptive parent, a step-parent, guardian or other relative
- any person who, although not a biological parent and does not have parental responsibility, has care of a child or young person

A person typically has care of a child or young person if they are the person with whom the child lives, either full or part time and who looks after the child, irrespective of what their biological or legal relationship is with the child.

Everyone who is a 'parent', as recognised under education law can participate in their child's education. For the purpose of this procedure, this includes the right to request access to exams records, such as public and mock exam results, enquiry about results outcomes, special consideration outcomes, access arrangements. The parent must make the request in writing (email is acceptable) to the exams office. The school will provide the information within fifteen school days of receipt of the parent's written request for access to that record.

## **Legislation on information sharing**

Under the principles of the General Data Protection Regulations 2018 (GDPR) and the Data Protection Act 2018 (the DPA 2018), children and young adults can assume control over their personal information and restrict access to it from the age of 13. However, parents are entitled to request access to, or a copy of their child's educational record, even if the child does not wish them to access it. This applies until the child reaches the age of 18. A parent is not, however entitled to information that the school could not lawfully disclose to the child under the GDPR or in relation to [which the child would have no right of access](#).

## Section 6 – Table recording candidate exams-related information held

| Record type                     | Record(s) description (where required)   | Retention information/period  | Action at end of retention period (method of disposal) |
|---------------------------------|--|---|--|
| Access arrangements information | Any hard copy or electronic information relating to an access arrangement candidate kept by EO in secure room or on secure drive accessible only to relevant staff                         | To be added to the pupil's school file at end of the candidate's final exam series; retained until pupil reaches age of 25.   | REVIEW   |
| Alternative site arrangements   | Any hard copy information kept by EO in secure room. Notifications submitted online via CAP.   | At end of appeal period or outcome of any appeal.   | Confidential waste/shredding                           |
| Attendance register copies      | Signed hard copies of attendance registers for each examination  | The awarding bodies may need to refer to these records. EO keeps 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.  | Confidential waste/shredding                           |
| Candidates' scripts             | Candidates request copies of scripts to be returned.<br><br>Teachers request copies of scripts to be returned for teaching and learning purposes but only with the candidates' permission. | To be logged on return to the centre and immediately forwarded to the candidate / teacher if returned electronically. Candidate / teacher notified if returned as hard copy. Unclaimed scripts are disposed of securely after six months.<br><br>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. | Confidential waste/shredding                           |
| Candidates' work                | Non-examination assessment work  | Work not part of the moderation sample to be stored safely and securely (including materials stored electronically) until the deadline for a review of moderation has passed or until a review of moderation, an appeal or a malpractice  | Returned to candidates or safe disposal                |

| Record type   | Record(s) description (where required)   | Retention information/period  | Action at end of retention period (method of disposal) |
|---|--|---|--|
|   |  | <p>investigation has been completed, whichever is later.</p> <p>Work sent to the moderator, to be logged on return to the centre and immediately returned to subject staff as records owner.</p>  |  |
| Centre consortium arrangements for centre assessed work | Any hard copy information relating to consortium arrangements for centre assessed work. Applications submitted online via CAP. | At end of appeal period or outcome of any appeal.   | Confidential waste/shredding                           |
| Certificates  | Candidate certificates issued by awarding bodies   | Retain all unclaimed certificates under secure conditions for a minimum of 12 months from the date of issue   |  |
| Certificate destruction information                     | A record of unclaimed certificates that have been destroyed  | 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. | Confidential waste/shredding                           |
| Certificate issue information                           | A record of certificates that have been issued   | Distribute certificates to all candidates. Certificates must not be withheld without prior permission from an awarding body which will only be given in very exceptional circumstances.   |  |

| <b>Record type</b>   | <b>Record(s) description<br/>(where required)</b>   | <b>Retention information/period</b>   | <b>Action at end<br/>of retention<br/>period (method<br/>of disposal)</b> |
|--|---|---|---|
| Confidential materials: receipt, secure movement and secure storage logs | Logs recording the receipt, checking, secure movement and secure storage of confidential exam materials | EO keeps 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.  | Confidential waste/shredding  |
| Dispatch logs  | Proof of dispatch of exam script packages to awarding body examiners                                    | EO keeps 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.  | Confidential waste/shredding  |
| Entry information  | Any hard copy information relating to candidates' entries.  | EO keeps 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.  | Confidential waste/shredding  |
| Exam question papers   | Question papers for timetabled written exams.   | For confidentiality purposes question papers must not be released to centre personnel until after the awarding body's published finishing time for the examination or, in the case of a timetable variation, until all candidates within the centre have completed the examination (24 hours after the key time for Cambridge International). This does not restrict access to question papers by authorised centre personnel for the purpose of conducting examinations. | Issued to subject heads of departments                                    |
| Exam room checklists   | Checklists confirming exam room conditions and invigilation arrangements for each exam session          | EO keeps 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.  | Confidential waste/shredding  |
| Exam room incident logs  | Logs recording any incidents or irregularities in exam rooms for each exam session                      | EO keeps 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.  | Confidential waste/shredding  |

| Record type  | Record(s) description (where required)  | Retention information/period   | Action at end of retention period (method of disposal) |
|--|---|--|--|
| Exam stationery  | Awarding body exam stationery provided solely for the purpose of external exams.  | Unused stationery will be returned to the centre's secure storage facility until needed for a future examination. Surplus stationery must not be used for internal school tests, mock examinations and non-examination assessments.<br><br>Any surplus or out-of-date stationery will be confidentially destroyed.   | Confidential waste/shredding                           |
| Examiner reports   |   | To be immediately provided to head of department as records owner.   |  |
| Invigilator and access arrangement facilitator training records      |   | A record of the content of the training given to invigilators or facilitators must be 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.  | Confidential waste/shredding                           |
| Moderator reports  |   | To be immediately provided to head of department as records owner.   |  |
| Overnight supervision information                                    | JCQ form Timetable variation and confidentiality declaration for overnight supervision for any candidate eligible for these arrangements. | 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 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. | Confidential waste/shredding                           |
| Post-results services: confirmation of candidate consent information | Hard copy record of required candidate consent  | Consent forms retained 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.  | Confidential waste/shredding                           |

| Record type   | Record(s) description (where required)  | Retention information/period   | Action at end of retention period (method of disposal) |
|---|---|--|--|
|   |   | ATS consent to be retained for at least six months from the date consent given.  |  |
| Post-results services: requests/outcome information | Any hard copy information relating to a post-results service request submitted to an awarding body for a candidate and outcome information from the awarding body                                 | Retained for at least six months following the outcome of the clerical re-check or review of marking or any subsequent appeal.                                       | Confidential waste/shredding                           |
| Post-results services: tracking logs                | Electronic log tracking to resolution all post-results service requests submitted to awarding bodies.   | Retained for at least six months following the outcome of the clerical re-check or review of marking or any subsequent appeal.                                       | Archived electronically                                |
| Private candidate information                       | Any hard copy information relating to private candidates' entries   | EO keeps 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. | Confidential waste/shredding                           |
| Proof of postage – candidates' work                 | Proof of postage of sample of candidates' work submitted to awarding body moderators.<br><br>(Proof of postage of candidates' scripts to awarding body examiners/markers Cambridge International) | EO keeps 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. | Confidential waste                                     |
| Results information                                 | Broadsheets of results summarising candidate final grades by subject by exam series   | Secure electronic records for current year plus previous 6 years to be retained as a minimum.  | Archived   |
| Seating plans                                       | Plans showing the seating arrangements  | Keeps signed records of the seating plan for each examination. The awarding bodies may need to refer to these records. Centre keeps                                  | Confidential waste/shredding                           |

| Record type                            | Record(s) description<br>(where required)  | Retention information/period  | Action at end<br>of retention<br>period (method<br>of disposal) |
|--|--|---|---|
|  | of all candidates for every exam taken   | 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.   |   |
| Special consideration information      | Any hard copy information relating to a special consideration request and supporting evidence submitted to an awarding body for a candidate                                | Retains evidence supporting an on-line special consideration application until the deadline for reviews of marking has passed or until any appeal, malpractice or other results enquiry has been completed, whichever is later. | Confidential waste/shredding                                    |
| Suspected malpractice reports/outcomes | Any hard copy information relating to a suspected or actual malpractice investigation/report submitted to an awarding body and outcome information from the awarding body. | Retains documentation until the deadline for reviews of marking has passed or until any appeal, malpractice or other results enquiry has been completed, whichever is later.  | Confidential waste/shredding                                    |
| Very late arrival reports/outcomes     | Any hard copy information relating to a candidate arriving very late to an exam. Reports submitted online via CAP.   | Retains supporting evidence documentation until the deadline for reviews of marking has passed or until any appeal, malpractice or other results enquiry has been completed, whichever is later.                                | Confidential waste/shredding                                    |