



Data Protection Procedure (exams) 2020/21

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	Ms Lindsey MacAdam
Exams officer	Mrs Rachel Adkin
Assistant Headteacher Curriculum	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 [Data Protection and GDPR](#), located on The Judd School website / Data Protection and GDPR.

*At the date of reviewing these regulations, although the UK has left the European Union the General Data Protection Regulation still has a direct effect within the UK (JCQ's [General Regulations for Approved Centres](#) (GR, 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
- ▶ 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
- ▶ document also forwarded to students each time they receive a mock timetable from years 10 to 13
- ▶ given access to this procedure via [The Judd School website / Exams](#)
- ▶ given access to the document on the Student Information drive in google
- ▶ given access to [The Judd School Data Protection and GDPR](#) via the school's web site

Candidates eligible for access arrangements are also required to provide their consent by signing the personal data consent from examination candidate form (AAO) before access arrangements approval applications can be processed online.

Section 3 – Dealing with data breaches

If a data breach is identified the school's outsourced Data Protection Officer at **SPS DPO Services** will conduct a full investigation including assessing the ongoing risk, notifying individuals of the breach and evaluating what happened putting in place an appropriate response.

Section 4 – 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 5 – 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 7 table](#).

Section 6 – Access to information

(with reference to Information Commissioner's Office (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 results, 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

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.

If a request is made for exam information before results have been announced, 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. 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.

Publishing exam results

The Judd School may publish exam results to the media or within the centre 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
- Will publish those students with ten 9 GCSE grades or 4 plus A* grades on the honors board in alphabetical order

If the Judd School has a legitimate reason for publishing examination results, consent is not required from students or their parents or guardians for publication. However, if a student or their parents or guardians have a specific concern about publication of their results, they have the right to object. This objection must be made in writing to Mr Wood 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 7 – Table recording candidate exams-related information held

For details of how to request access to information held, refer to section 6 of this procedure (Access to information)

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	Confidential waste/shredding
Alternative site arrangements	Any hard copy information kept by EO in secure room; Notifications submitted online via CAP	Retained until end of appeal period or outcome of any appeal, whichever is later	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. Kept in EO 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. 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 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	<p>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 investigation has been completed, whichever is later</p> <p>Work sent to the moderator, to be logged on return to the centre and kept securely in the EO; returned to subject staff as records owner after the appeals period</p>	Returned to candidates or safe disposal
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	All unclaimed certificates are retained at the centre under secure conditions for at least 12 months from the date of issue	Students contacted to collect them
Certificate destruction information	<p>A record of unclaimed certificates that have been destroyed.</p> <p>OR a list of certificate details returned to Cambridge Assessment.</p>	<p>Certificates unclaimed after at least 12 months from date of issue may be destroyed in a confidential manner, at the discretion of the centre. A record of certificates that have been destroyed is retained for a minimum of four years from their date of destruction.</p> <p>Cambridge Assessment should be returned to the exam board</p>	Confidential shredding
Certificate issue information	A record of certificates that have been issued	All candidates sign a log as receipt of collecting their certificates. The log is kept securely in the EO for several years	Confidential waste/shredding
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

Conflicts of Interest records	<p>Centre staff who are taking qualifications at their own centre which include internally assessed components; centre staff who are teaching and preparing members of their family or close friends and their immediate family for qual's which include internally assessed components;</p> <p>Exams office staff have members of their family or close friends and their immediate family being entered for examinations; centre staff are taking qual's at their centre which do not include internally assessed components; centre staff are taking qual's at other centres</p>	<p>Awarding bodies notified by secure extranet annually</p> <p>Held in secure exams office until the deadline for reviews of marking has passed or until any appeal, malpractice or other results enquiry has been completed, whichever is later</p>	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	Issued to subject Heads of Departments

		centre personnel for the purpose of conducting examinations	
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
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	Surplus or out-of-date stationery is confidentially destroyed
Examiner reports		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 is 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		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	Kept 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 are stored electronically or in hard copy paper format and are 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;	Confidential waste/shredding

		awarding bodies reserve the right to inspect such documentation; 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	Sample of candidates' work submitted to awarding body moderators; Candidates' scripts submitted to awarding bodies	Held in EO 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	Seating plans signed by invigilators showing the seating arrangements of all candidates for every exam taken, including for access arrangements	Kept in secure EO 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

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