



**Malden Oaks**  
School & Tuition service

Making the **MOST** of every day

## Data Protection Policy - Exams

Date reviewed: 2022 2023 Exam Series

### Key staff involved in the policy

Role	Name(s)
Head of centre	<b>Samantha Axbey</b>
Exams officer	<b>Stephen Shorey</b>
Senior leader(s)	<b>Laura Dandy, Alison Vigor, Nick Smith, Michael Haddock, Ayse Meliz</b>
IT manager	<b>Stephen Shorey/Alex Meza</b>
Data Protection Officer	<b>Mr. M. Greenway</b>

## Purpose of the policy

This policy details how Malden Oaks, 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 (AFC); Schools

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; City & Guilds Walled Garden

- Management Information System (MIS) – SIMS provided by Capita 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

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

All candidates are:

- informed via written communication
- 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 GCE and 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 which require awarding body approval are using Access arrangements online are also required to provide their consent by signing the GDPR compliant JCQ candidate personal data consent form before access arrangements 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
<ul style="list-style-type: none"> <li>• Laptops</li> <li>• Desktop Computer</li> </ul> (information stored on cloud/server and not on specific computers)	All systems are password protected. The school network is managed and checked by our ICT Technical Support company (Strictly Education) and we have full firewalls/antivirus protection as part of London Grid for Learning Subscription.	N/a

Software/online system	Protection measure(s)
SIMS Google A2C	Protected usernames & passwords, Procedure for approval / creation of new accounts with limited access rights - regular oversight and deletion of old accounts. Regular checks to Firewall/antivirus software carried out.

### Section 3 – 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

Laura Dandy (Head of Business Services) 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.

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 (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 data protection policy which is available/accessible from the 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 Stephen Shorey / Exams Manager in writing/email and photographic ID will be needed 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 Teacher 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)

In line with guidance from the JCQ, public exam results will be released to candidates in the first instance. Any request for them to be released initially to a person other than the candidate, must be received in writing in advance.

Once the candidate has received their exam results, any person with parental responsibility has the right to request access to them under the Education (Pupil Information) (England) Regulations 2005 (as amended). More guidance is available at

[www.gov.uk/government/publications/dealing-with-issues-relating-to-parental-responsibility/understanding-and-dealing-with-issues-relating-to-parental-responsibility](http://www.gov.uk/government/publications/dealing-with-issues-relating-to-parental-responsibility/understanding-and-dealing-with-issues-relating-to-parental-responsibility)

If a request is made, we will provide the information within 15 school days as required by the regulations.

Under the principles of the UK General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (the DPA 2018), children and young adults can usually assume control over their personal information and restrict access to it from the age of 13, however this does not apply to their educational record, which includes exam results.

The ICO provides the following advice:

<https://ico.org.uk/for-the-public/schools/pupils-info/>