

**Key staff involved in Policy:**

<b>Role</b>	<b>Name(s)</b>
<b>Head of Centre</b>	Doug THOMAS
<b>SLT Member(s)</b>	Helen ELLIS, Ben THOMAS, Sam Channon
<b>Exams Officer</b>	Angela POLEYKETT & Carla ALLEN
<b>Data and Communication Manager</b>	Rebecca Newey
<b>Data Protection Officer</b>	Judicium Education
<b>ICT Manager/Technicians</b>	Lisa Stevens

**Purpose of the policy**

This policy details how WSAPC in relation to exams management and administration, ensures compliance with the regulations as set out by the Data Protection Act 2018 (DPA 2018) UK and 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 these General Regulations 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. (JCQ Regulations for Approved Centres (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

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 of Education
- Local Authority
- Candidates Home School
- Learning Record Service (LRS)

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, LIBF (My account)
- 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; etc.]

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

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

All candidates are:

- Given access to this policy via school website: [www.apcollege.co.uk](http://www.apcollege.co.uk)
- All candidates made aware by centre letter.

Candidates eligible for access arrangements are also required to provide their consent by signing the GDPR compliant JCQ candidate personal data consent form (Personal data consent, Privacy Notice (AAO) and Data Protection confirmation) 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
Desktop computer/Laptop	Individual Username and Passwords Antivirus protection maintained by IT Dept	Maintained by IT dept

Software/online system	Protection measure(s)
SIMS	Individual username and passwords
Awarding body secure extranet site(s)	Individual usernames and passwords Exams Officers have to approve the creation of new user accounts and determine access rights
A2C	Only Exams Officer and Data and Communication Manager have access

#### 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:

##### 4.1 Containment and recovery

Judicium Education 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

#### **4.2 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?

#### **4.3 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.

#### **4.4 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 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 when necessary (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 WSAPC 's Data Retention policy

### **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 Exams officers/ the Data Protection Officer in writing/email stating name, date of birth and leaving year/year examinations were taken. 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 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,

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**

WSAPC will publish exam results to the media or within the centre 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 seriously
- Ensure that all candidates and their parents/carers are aware as early as possible whether examination results will be made public and how this will be done
- Explain how the information will be published. For example, if results will be listed alphabetically, or in grade order.

As WSAPC will have 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/Head of Centre, who will consider the objection before making a decision to publish and reply with a good reason to reject the objection to publish exam results.

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

<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>
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 (JCQ Portal) MIS Lockable filing cabinet	Secure username and password SIMS In secure office (SENDCo)	<u>Refer to Data Retention Policy on Sharepoint</u>
Alternative site arrangements	Candidate name Candidate DOB Candidate Number Consultant/Doctor's Letter (May include candidate address)	Access arrangements online (JCQ portal) SIMS Lockable metal filing cabinet	Secure Username and password Lockable metal filing cabinet	In Accordance with JCQ ICE Booklet – Until appeal, malpractice or other results enquiries have been completed



<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>
	Specialist report (May include candidate address)			
Attendance registers copies	Candidate name Candidate Number	Filing Cabinet	In Safe secure room	In Accordance with JCQ ICE Booklet – Until appeal, malpractice or other results enquiries have been completed.
Candidates’ work	Candidate name Candidate Number	Relevant Department	Locked cupboard/Filing Cabinet	In Accordance with JCQ INEA Booklet – Until appeal, malpractice or other results enquiries have been completed.
Certificates	Candidate name Candidate DOB Candidate Number	Exams Office/Reception	Locked cupboard	5 years from date of issue
Certificate destruction information	Candidate name Candidate DOB Candidate Number	Exams office Filing Cabinet Exams Office Computer	Locked Exams Office	5 years from date of issue
Conflicts of Interest	Candidate name	Exams Office	Locked Exams Office	

<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>
records	Candidate DOB Candidate Number			
Entry information	Candidate name Candidate DOB Candidate Number	Share Point  SIMS	Secure username and password	In Accordance with JCQ ICE Booklet – Until appeal, malpractice or other results enquiries have been completed
Exam room incident logs	Invigilators Name Candidate Name Candidate Number	SIMS Filing Cabinet	Secure Exams Room	In Accordance with JCQ ICE Booklet – Until appeal, malpractice or other results enquiries have been completed.
Invigilator and facilitator training records	Invigilators Name	Exams Computer Filing Cabinet	Secure username and password. Locked Exams office	In Accordance with JCQ ICE Booklet – Until appeal, malpractice or other results enquiries have been completed
Post-results services: confirmation of candidate consent information	Candidate Name Candidate Number	Paperwork held in filing cabinet	Locked Exams Office	In Accordance with JCQ ICE Booklet – Until appeal, malpractice or other results enquiries have been completed

<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>
Post-results services: requests/outcome information	Candidate Name Candidate Number	Paperwork held in filing cabinet	Locked Exams Office	In Accordance with JCQ ICE Booklet – Until appeal, malpractice or other results enquiries have been completed
Resolving timetable clashes information	Candidate name Candidate Number	SIMS Paperwork held in Filing Cabinet	Secure username and password Locked Exams Office	In Accordance with JCQ ICE Booklet – Until appeal, malpractice or other results enquiries have been completed
Results information	Candidate name Candidate Number Candidate DOB Gender Registration Pupil Premium SEN Looked after	SIMS Share point Exams Office Computer	Secure username and password  Locked Exams Office	Current academic year +6 years
Seating plans	Candidate name Candidate Number	Sims Paperwork held in exams	Secure username and password	In Accordance with JCQ ICE Booklet – Until appeal, malpractice or

<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>
	Access Arrangements	file	Locked Exams Office	other results enquiries have been completed
Special consideration information	Candidate name Candidate number Consultant/Doctor's letter (may contain candidates address)	Computer Paperwork held in lockable filing cabinet	Secure username password Locked exams office	In Accordance with JCQ ICE Booklet – Until appeal, malpractice or other results enquiries have been completed
Suspected malpractice reports/outcomes	Candidate name Candidate number	Computer Paperwork held in lockable filing cabinet	Secure username and password Locked exams office	In Accordance with JCQ ICE Booklet – Until appeal, malpractice or other results enquiries have been completed
Transferred candidate arrangements	Candidate name Candidate DOB Candidate Number	Access arrangements online (JCQ portal) Lockable metal filing cabinet	Secure username and password Locked exams office	In Accordance with JCQ ICE Booklet – Until appeal, malpractice or other results enquiries have been completed
Very late arrival reports/outcomes	Candidate name Candidate Number	Access arrangements online (JCQ portal) Lockable metal filing	Secure username and password Locked exams office	In Accordance with JCQ ICE Booklet – Until appeal, malpractice or other results enquiries

Information type	What personal/sensitive data is/may be contained in the information	Where information is stored	How information is protected	Retention period
		cabinet		have been completed

<b>CREATED</b>	November 2020
<b>ADOPTED BY WSAPC</b>	November 2020
<b>REVIEWED</b>	November 2021
<b>NEXT REVIEW DATE</b>	November 2022