Examinations Data Protection Policy

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Contents

Purpose of the policy 2

Section 1 Exams related information 2

Section 2 Informing candidates of information held 3

Section 3 Hardware and software 4

Section 4 Dealing with data breaches 5

- Containment and recovery 5
- Assessment of ongoing risk 5
- Notification of breach 6
- Evaluation and response 6

Section 5 Candidate information, audit and protection measures 6

Section 6 Data Retention periods 7

Section 7 Access to information 7

Section 8 Table recording candidate exams – related information held 9-12

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Purpose of the policy:

This policy details how Brunel 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 6.1)* 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
- Department for Education; Local Authority; Multi Academy Trust

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

- hard copy
- email
- secure extranet site(s) – AQA Centre Services; Pearson Edexcel Online, WJEC, OCR Interchange
- MIS provider detail - Capita 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

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

All candidates are:

- informed via JCQ documents sent home and available on the website
- given access to this policy via centre website, written request

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 **Awarding Organisation's 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 *using Access arrangements online* are also required to provide their consent by signing the GDPR compliant JCQ candidate personal data consent before 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
Software/online system	Protection measure(s)	
SIMs	Hosted MIS system by CAPITA who are responsible for the hardware, antivirus, etc. Access controlled by username and password; ● Accounts have specified access rights. Data Protection and other relevant staff are aware of what data we store, and the level of sensitivity. All databases are reliant on network security and perimeter control. Access controls are in place and monitoring of the server event logs. Administrator accounts regularly reviewed and monitored. Restricted access to admin level privileges. Access requests go through an approval process. Local admin rights restricted to reduce client's ability to run executables. Inactive or no longer required user accounts are disabled. Archive and deletion is depending on the user's role and need for making data available for ex-students. System generated password changes every 40 days.	
Awarding body secure extranet site(s)	Individual usernames and passwords Accounts have specified access rights Exams Officer has to approve the creation of new user accounts and determine access rights	
Google Chrome	All Internet browsing takes place on a controlled connection, based on rules set for education.	
Microsoft Internet explorer	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**

Vikki Alden, Head of Centre, will lead the investigation, supported by Ben Clark, Operations Manager/Exams Officer, and the school/Trust's Data Protection Officer, **School Pro Limited.**

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.

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 every 3 months (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 Exams archiving policy – see *Exams Policy* which is available on 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 Ben Clark the School Operations Manager and Exams Officer by emailing bclark@brunelschool.org. Ben Clark will liaise with the school/Trust's Data Protection Officer, **School Pro Limited.**

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 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.
- 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), as example guidance from the Department for Education (DfE) regarding parental responsibility and school reports on pupil performance:

- **Understanding and dealing with issues relating to parental responsibility** www.gov.uk/government/publications/dealing-with-issues-relating-to-parental-responsibility/understanding-and-dealing-with-issues-relating-to-parental-responsibility
- **School reports on pupil performance** www.gov.uk/guidance/school-reports-on-pupil-performance-guide-for-headteachers

Publishing exam results

When considering publishing exam results, Brunel 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?

As Brunel School will have a 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 the Headteacher 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 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	Information description (where required)	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 user name and password In secure office (SENCo)	12 months
Alternative site arrangements		Candidate Name , alternative site address, Qualifications being taken	Exams Office Locked filing cabinet	Locked Office	12 months
Attendance registers copies		Candidate Name & Exam Number	Exams Office Locked filing cabinet	Locked Office	12 months
Candidates' scripts		Candidate Name, Exam Number & work	Subject Departments	Teacher Integrity	As needed after permission given by student

Information type	Information description (where required)	What personal/sensitive data is/may be contained in the information	Where information is stored	How information is protected	Retention period
Candidates' work		Candidate Name & Exam Number	Locked filing cabinet in subject depts	Teacher Integrity	December post yr11
Certificates		Candidate Name, & Exam Number	Certificates for leavers located in Reception Older Certificates in exams office	Reception staffed or locked	24 Months +
Certificate destruction information		Candidate Name	Exams Office	Locked office	On going
Certificate issue information		Candidate name, address at end of yr11	Exams Office	Locked office	On going
Conflicts of Interest records		Staff Name – form stating conflict	Electronically	Through secure computer systems	Ongoing
Entry information		Candidate Name, DOB subject information	SIMs	Through secure computer systems	
Exam room incident logs		Candidate Name, exam number, incident	Stored Electronically & Paper copies	Through secure computer systems Locked in Exams Office	12 months
Overnight supervision information		N/A no overnight supervisions to date due to KS4 only taking exams	n/a		
Post-results services: confirmation of candidate		Candidate Name, exam number, service requested	Stored Electronically & Paper copies	Through secure computer systems	12 months

Information type	Information description (where required)	What personal/sensitive data is/may be contained in the information	Where information is stored	How information is protected	Retention period
consent information				Locked in Exams Office	
Post-results services: requests/outcome information		Candidate Name, exam number, service requested	Stored Electronically & Paper copies	Through secure computer systems Locked in Exams Office	12 months
Post-results services: scripts provided by ATS service		Candidate Name, exam number, service requested	Stored Electronically & Paper copies	Through secure computer systems Locked in Exams Office	12 months
Post-results services: tracking logs		Candidate Name, exam number, service requested	Stored Electronically & Paper copies	Through secure computer systems Locked in Exams Office	12 month
Private candidate information		n/a	n/a	n/a	n/a
Resolving clashes information		Candidate Name, exam number, times exam paper was sat	Stored Electronically & Paper copies	Through secure computer systems Locked in Exams Office	12 months
Results information		Candidate Name, exam number, student information	Stored Electronically	Through secure computer systems	Available in SIMS
Seating plans		Candidate Name, exam number, Tier of Entry	Stored Electronically & Paper copies	Through secure computer systems Locked in Exams Office	12 months

Information type	Information description (where required)	What personal/sensitive data is/may be contained in the information	Where information is stored	How information is protected	Retention period
Special consideration information		Candidate Name, exam number, reports from HOY, information provided by parent/carer	Stored Electronically & Paper copies	Through secure computer systems Locked in Exams Office	12 Months
Suspected malpractice reports/outcomes		Candidate Name, exam number, reports of malpractice	Stored Electronically & Paper copies	Through secure computer systems Locked in Exams Office	12 Months
Transferred candidate information		Candidate Name, exam number, qualification codes, previous establishment	Candidate Name, exam number, qualification codes, previous establishment	Through secure computer systems Locked in Exams Office	12 Months
Very late arrival reports/outcomes		Candidate Name, exam number	Stored Electronically & Paper copies	Through secure computer systems Locked in Exams Office	12 Months