



Emerson Park Academy

Exam Data Protection Policy

2023/24
Centre No. 12821

This plan is reviewed annually to ensure compliance with current regulations

Approved/reviewed by	
Date of next review	November 2024

Key staff involved in the policy

Role	Name(s)
Head of centre	Mr S McGuinness
Data Protection Officer	Ms C Amponsah
Exams officer line manager (Senior leader) and task manager	Ms K Blaize and Mr M Hope
Exams officer	Mrs T Whiting
Lead Practitioner for Inclusion/SENco	Ms E Fuller
IT Manager	Mr T Chowdhury
Senior leader(s)	Ms K Blaize – Deputy Head
	Mr N Giles – Assistant Head teacher
	Dr Crawley – Assistant Head teacher
	Mr J Maguire – Assistant Head teacher
	Ms C Amponsah – Business Manager
	Ms N Heatley – Assistant Head teacher
	Mr S Thurley – Assistant Head teacher

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Purpose of the policy

This policy details how Emerson Park Academy, 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/LMS

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/My Cambridge; Pearson Edexcel Online and Portal (including Learner Work Transfer); WJEC Secure Website; Learning Records portal; NCFE Portal
- Management Information System (MIS) provided 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

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

Emerson Park Academy ensures that candidates are fully aware of the information and data held.

All candidates are:

- informed via electronic communication and student exam guide
- given access to this policy via by written request

Candidates are made aware of the above when they receive their student exam guide before GCSE and BTEC 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/reasonable adjustments which require awarding body approval 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
Exam Officer computer – data stored on the server/network	Hardware: purchased/updated October 2022 Anti -Virus Software protection & Windows Update – updated automatically on a daily basis Firewall. Password Protection	2024

Software/online system	Protection measure(s)
SIMS (software) Stored on Network	Password Protection Authorised staff using a unique username Anti-Virus Firewall
Awarding Body websites Including Access Arrangements online (online/internet)	Password Protection (multi-factor) Authorised staff using a unique username Anti-Virus Firewall
Intranet (shared data with staff)	Password Protection Authorised staff using a unique username Anti-Virus

	Firewall
A2C (software)	Password Protection Authorised staff using a unique username Anti-Virus Firewall

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

IT Manager, Deputy Head and Business Manager 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.

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 undertaken every 12 months (this may include updating antivirus software, firewalls, internet browsers etc.)

Section 6 – Data retention periods

Examination related paperwork is retained for two years.

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 Examination Officer in writing/email. If the former candidate is unknown to current staff, identification in form of passport and possibly other information proof will need to be provided.

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 organisation 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 and a local authority (the 'corporate parent'), 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
 (Updated 24 August 2023 to include guidance on the role of the 'corporate parent', releasing GCSE results to a parent and notifying separated parents about a child moving school)
- 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, Emerson Park Academy 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?

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	Form 8 and supporting documentation List of Access Arrangements for staff	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 ULN/UPN/Exam numbers Hospital/GP letters Name/Arrangement/Medical conditions Evidence normal way of working	Access Arrangements Online MIS – sims.net Exams Office Lockable metal filing cabinet With SENCO – lockable cabinet and stored on shared SEN Departmentsnetwork drive (3 staff have access)	Secure user name and password Staff access only with log-in In secure area solely assigned to exams	2 years
Alternative site arrangements	Exam board forms via Centre Admin Portal (CAP)	Exam name/date/time Surname Forename Candidate number	Online CAP Exam files re transferred candidates and alternative site.	Locked in cupboard (exam access only)	2 years
Attendance registers copies	Sims and Awarding Body registers	Exam name/date/time Surname Forename Candidate number	Exam Office Lockable metal filing cabinet	Lockable metal filing cabinet	2 years

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' scripts	Confidential scripts of pupils who's scripts we hold for teaching and learning purposes.	Name Candidate number Signature Details of answers on script	Exam Board Subject teacher (if part of a Post Results request for teaching and learning)	Lockable cabinet if candidates permission not granted to share name	indefinitely
Candidates' work	Coursework/NEA	Exam name/date/time Surname Forename Candidate number	Once returned from awarding bodies all work is returned to the Head of Faculty	Lockable metal filing cabinet	Until EAR and Appeals process is over
Centre consortium arrangements for centre assessed work	n/a	n/a	n/a	n/a	n/a
Certificates	Awarding body produced certificates	Exam name/date/time Surname Forename Candidate number Exam Result(s)	Exam Room storage	Two key holders	1 year
Certificate destruction information	List of names of candidates and issue year and year of destruction/method	Name Exam details	Word document Policies folder	Exam access only online Lockable cabinet in locked office	Indefinitely
Certificate issue information	Excel list of students	Exam name/date/time Surname/Forename Candidate number Exam Result(s)	Exam Officers room in lockable cabinet Then moved to Front Office lockable cabinet after results day	Lockable cabinet in locked office	indefinitely

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
Conflicts of interest records	List of centre staff taking exams and/or list of staff related to students taking exams	Names/school Exam boards Exams and dates	Word document with EO and Head's PA Hard copy	Exam and Head's PA access to own files/login	2 year
Entry information	Sims list of students	Surname/Forename Candidate number subject	MIS – Sims Paper files	Staff login Lockable cabinet	2 years
Exam room incident logs	Word document produced by EO	Surname/Forename Candidate number subject	Exam Officers room in lockable cabinet	Exam Officers room in lockable cabinet	2 years
Invigilator and facilitator training records	Word documents produced by EO	Name signature	Lockable cabinet	Locked in cabinet with Exam Officer only has access	2 years
Overnight supervision information	Exam board document	Surname/Forename Candidate number Subject Address	Exam Officers room in lockable cabinet	Exam Officers room in lockable cabinet	2 years
Post-results services: confirmation of candidate consent information	Internally produced word document	Surname/Forename Candidate number subject	Exam Officers room in lockable cabinet	Exam Officers room in lockable cabinet	2 years
Post-results services: requests/outcome information	Email documentation form exam boards	Surname/Forename Candidate number subject	Exam Officers room in lockable cabinet	Exam Officers room in lockable cabinet	2 years
Post-results services: scripts provided by ATS service	PDF Script	Surname/Forename Candidate number	Exam Officer Email account	EO login to email account	2 years

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
	Paper Script	Subject Points awarded	Original/copy requested sent to parent/pupil if requested Or Handed to HOF		
Post-results services: tracking logs	Excel document/list	Surname/Forename Candidate number subject	Exam Officers room in lockable cabinet	Exam Officers room in lockable cabinet	2 years
Private candidate information	n/a	n/a	n/a	n/a	n/a
Resolving timetable clashes information		Surname Forename Candidate number subject	Exam Officers room in lockable cabinet	Exam Officers room in lockable cabinet	2 years
Results information		Surname/Forename Candidate number subject	Exam Officers room in lockable cabinet and electronically (SIMS.net and SIMS. Exams)	Exam Officers room in lockable cabinet Restricted access to electronic files	6 years
Seating plans		Surname/Forename Candidate number subject	Exam Officers room in lockable cabinet	Exam Officers room in lockable cabinet	2 years
Special consideration information		Surname/Forename Candidate number subject	Exam Officers room in lockable cabinet	Exam Officers room in lockable cabinet	2 years

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
Suspected malpractice reports/outcomes		Surname/Forename Candidate number subject	Exam Officers room in lockable cabinet	Exam Officers room in lockable cabinet	2 years
Transferred candidate arrangements		Surname/Forename Candidate number subject	Exam Officers room in lockable cabinet	Exam Officers room in lockable cabinet	2 years
Very late arrival reports/outcomes		Surname/Forename Candidate number subject	Exam Officers room in lockable cabinet	Exam Officers room in lockable cabinet	2 years