

Key staff involved in Exam Data Protection Policy:

Role	Name(s)
Head of Centre	Doug Thomas
SLT Member(s)	Sam Channon, Jemma Lyons
Exams Officers	Kathy Ollis-Brown
Data and Communication Manager	Rebecca Newey
Data Protection Officer	Judicium Education
ICT Manager/Technicians	Paul Leppard, Richard Strickland

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) 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 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.

Candidates 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.

Exams-related information

There is a requirement for the exams office(r) to hold exams-related information on candidates taking external examinations.

Candidates' exams-related data may be shared with the following organisations:

- Awarding bodies
- Joint Council for Qualifications (JCQ)
- Department of Education
- Local Authority
- Candidate's 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.
- Management Information System (MIS).
- Sending/receiving information via electronic data interchange (EDI) using A2C

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.

Informing candidates of the information held

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

All candidates are:

- Informed by centre letter.
- Given access to this policy via school website

Candidates are reminded of the above when they receive their GCSE entries letter. At this point, WSAPC also brings to the attention of candidates the 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 using Access arrangements online are also required to provide their consent by signing the GDPR compliant JCQ candidate personal data consent form before approval applications can be processed online.

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 for staff and candidates. Antivirus protection maintained by IT Dept	Maintained by IT dept

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

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:

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.

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?
- Are many individuals' personal data 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?

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.

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.

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.).

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.

Access to information

(With reference to [ICO information](#))

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 officer/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 candidate can request their exam results or request that they aren't published. When a candidate makes a request, those responsible for responding should take into account whether:

- The candidate wants their parent (or someone with parental responsibility for them) to be involved, and
- That the candidate 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 candidate of 12 or older is expected to be mature enough to understand the request they are making. A candidate 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 candidate 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. 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 concerns 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 candidates or their parents/carers for publication. However, if a candidate 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.

Table recording candidate exams-related information held

Information type	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 Data protection notice (candidate signature) Diagnostic testing outcome(s) Evidence of normal way of working Gender Specialist report(s) (may also include candidate address)	Access Arrangements Online - JCQ Portal Lockable filing metal cabinet MIS SharePoint	In secure office – SENDCo Secure username and password	In accordance with WSAPC Data Retention Policy - Current academic year plus 6 years.
Alternative site arrangements	Candidate DOB Candidate name Candidate number Consultant/Doctor's letter (may include candidate address) Specialist report (may include candidate address)	Access arrangements Online - JCQ Portal Lockable metal filing cabinet MIS	In secure office – SENDCo, Exams Secure Username and password	In accordance with WSAPC Data Retention Policy - Current academic year plus 6 years.

Information type	What personal/ sensitive data is/ may be contained in the information	Where information is stored	How information is protected	Retention period
Attendance registers copies	Access Arrangements Candidate name Candidate number	Filing Cabinet MIS	In secure office – Exams Secure Username and password	In accordance with <i>JCQ Instructions for Conducting Examinations</i> booklet – <i>Until the deadline for review of marking has passed or until any appeal, malpractice or other results enquiries have been completed, whichever is later. (12.8.e)</i>
Candidates' work	Candidate name Candidate number	Relevant Department	Locked cupboard/Filing Cabinet	In accordance with <i>JCQ Instructions for conduction non-examination assessments</i> booklet – <i>If post-results services have not been requested, internally assessed work may be returned to candidates after the deadline for requesting a review of results for the relevant series. If post-results services have been requested, internally assessed work may be returned once the review of results and any subsequent appeal has been completed. (4.8)</i>
Certificates	Candidate DOB Candidate name	Lockable metal filing cabinet	In secure office – Exams	Nine years from date of issue

Information type	What personal/ sensitive data is/ may be contained in the information	Where information is stored	How information is protected	Retention period
		Reception, during collection periods	Locked cupboard	
Certificate destruction information	Candidate DOB Candidate name	SharePoint	Secure username and password	Nine years from date of issue
Conflicts of Interest records	Candidate DOB Candidate name Candidate number	Awarding Bodies portal SharePoint	Secure username and password	In accordance with <i>JCQ General Regulations for Approved Centres</i> booklet – Until appeal, malpractice or other post-results enquiries have been completed. (5.3.j)
Entry information	Candidate DOB Candidate name Candidate number	Awarding Bodies portal MIS SharePoint	Secure username and password	In accordance with WSAPC Data Retention Policy - Current academic year plus 6 years.
Exam room incident logs	Candidate name Candidate number Invigilators name	Lockable metal Filing Cabinet	In secure office – Exams	In accordance with <i>JCQ Instructions for Conducting Examinations</i> booklet – <i>Until the deadline for review of marking has passed or until any appeal, malpractice or other results enquiries have been completed, whichever is later.</i> (12.8.e)

Information type	What personal/ sensitive data is/ may be contained in the information	Where information is stored	How information is protected	Retention period
Invigilator and facilitator training records	Invigilators name	The Exam Office portal SharePoint	Secure username and password	In accordance with <i>JCQ Instructions for Conducting Examinations</i> booklet – <i>Until the deadline for review of marking has passed or until any appeal, malpractice or other results enquiries have been completed, whichever is later.</i> (12.5)
Post-results services: confirmation of candidate consent information	Candidate name Candidate number	Lockable metal filing cabinet SharePoint	In secure office – Exams Secure username and password	In accordance JCQ Post-Results Services – <i>Consent forms or emails from candidates must be retained by the centre and kept for at least six months following the outcome of the clerical recheck or review of marking or any subsequent appeal.</i> (4.2.1)
Post-results services: requests/outcome information	Candidate name Candidate number	Lockable metal filing cabinet SharePoint	Locked Exams Office Secure username and password	In accordance with WSAPC Data Retention Policy - Current academic year plus 6 years.
Resolving timetable clashes information	Candidate name Candidate number	MIS	Secure username and password	In accordance with WSAPC Data Retention Policy - Current academic year plus 6 years.

Information type	What personal/ sensitive data is/ may be contained in the information	Where information is stored	How information is protected	Retention period
Results information	Candidate name Candidate number Candidate DOB Gender Looked after Pupil Premium Registration SEN	Awarding Bodies portal MIS SharePoint	Secure username and password	In accordance with WSAPC Data Retention Policy - Current academic year plus 6 years.
Seating plans	Access Arrangements Candidate name Candidate number	Lockable metal filing cabinet MIS	In secure office – Exams Secure username and password	In accordance with <i>JCQ Instructions for Conducting Examinations</i> booklet – <i>Until the deadline for review of marking has passed or until any appeal, malpractice or other results enquiries have been completed, whichever is later.</i> (12.8.e)
Special consideration information	Candidate name Candidate number Consultant/Doctor's letter (may contain candidate address)	Awarding Bodies portal Lockable metal filing cabinet	In secure office – Exams Secure username and password	In accordance with WSAPC Data Retention Policy - Current academic year plus 6 years.

Information type	What personal/ sensitive data is/ may be contained in the information	Where information is stored	How information is protected	Retention period
		SharePoint		
Suspected malpractice reports/outcomes	Candidate name Candidate number	Access Arrangements Online - JCQ Portal Awarding Bodies portal SharePoint	Secure username and password	In accordance with WSAPC Data Retention Policy - Current academic year plus 6 years.
Transferred candidate arrangements	Candidate name Candidate DOB Candidate number	Access Arrangements Online - JCQ Portal SharePoint	Secure username and password	In accordance with WSAPC Data Retention Policy - Current academic year plus 6 years.
Very late arrival reports/outcomes	Candidate name Candidate number	Access Arrangements Online - JCQ Portal Awarding Bodies portal SharePoint	Secure username and password	In accordance with WSAPC Data Retention Policy - Current academic year plus 6 years.

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