



# Data Protection Policy (Exams)

2021/22

This policy is annually reviewed to ensure compliance with current regulations

<b>Approved/reviewed by</b>	
Rob Collar	
<b>Date of next review</b>	October 2022

## Key staff involved in the General Data Protection Regulation policy

Role	Name(s)
Head of centre	Steve Hicks
Exams officer	Rosie Knos
Senior Leader	Rob Collar
IT manager	Chriss Atkinson
Data manager	Nicky Simmonds

### Purpose of the policy

This policy details how Thornden School, in relation to exams management and administration, ensures compliance with the regulations as set out by the Data Protection Act (DPA 2018) and General Data Protection Regulation (GDPR).

At the date of reviewing these regulations, although the UK has left the European Union the General Data Protection Regulation still has a direct effect within the UK (JCQ's [General Regulations for Approved Centres](#) (GR, 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
- ▶ not transferred outside the European Economic Area without adequate protection

To ensure that the centre meets the requirements of the DPA and 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 to hold exams-related information on candidates taking external examinations. For further details on the type of information held please refer to *Section 5 – Candidate information, audit and protection measures*.

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

- ▶ Awarding bodies
- ▶ Joint Council for Qualifications
- ▶ Department for Education
- ▶ Local Authority

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

- ▶ hard copy
- ▶ email
- ▶ secure extranet site(s) – [e.g. eAQA; OCR Interchange; Pearson Edexcel Online; WJEC Secure services;]
- ▶ Management Information System (MIS) provided by 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

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

All candidates are:

- ▶ given access to this policy via school website
- ▶ Made aware via the Year 9 options booklet

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.

Prior to examinations, 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 GDPR.

## 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	Individual Username and Passwords Hampshire Firewall Antivirus protection maintained by IT Dept	Maintained by IT Dept

Software/online system	Protection measure(s)
SIMS	Individual usernames and passwords
Awarding body secure extranet site(s)	Individual usernames and passwords Exams Officer has to approve the creation of new user accounts and determine access rights
A2C	Exams Officer and SIMS Manager only have access
4 Matrix	SIMS Manager only has ADMIN rights Deputy and Assistant Headteacher have access rights

## 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

If a data protection breach is identified, the following steps will be taken:

### 1. Containment and recovery

Phil Balmond, Data Protection Officer, 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
- ▶ Firewall updates undertaken in line with Hampshire IT/antivirus maintained by IT dept when updates become available

## **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 Hampshire Retention Schedule.

## **Section 7 – Access to information**

Current and former candidates can request access to the information/data held on them by making a **subject access request** to Phil Balmond the Data Protection Officer, in writing. ID will need to be confirmed if a former candidate is unknown to current staff. Response to all requests will be actioned within one month.

### **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 (see GDPR Policy) 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.

## 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 Candidate Number 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 SIMS Lockable metal filing cabinet	Secure user name and password In secure area in study skills	DOB of pupil + 22 years
Alternative site arrangements		Candidate name Candidate DOB Candidate Number 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 SIMS Lockable metal filing cabinet	Secure user name and password In secure area in study skills	
Attendance registers copies		Candidate name Candidate Number	Filing Cabinet in Exams Office	Held in Locked Exams Office	According to JCQ ICE booklet – Until appeal, malpractice or

<b>Information type</b>	<b>Information description (where required)</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>
					other results enquiry has been completed
Candidates' work		Candidate name Candidate Number	Relevant Department	Locked Cupboard	According to JCQ NEA booklet – Until appeal, malpractice or other results enquiry has been completed
Certificates		Candidate name Candidate Number Candidate DOB	Exams Office / Reception	Locked Cupboard	DOB of pupil + 22 years, then returned to Exam Board
Certificate issue information		Candidate name Candidate Photo	Reception	Locked Cupboard	Pupil to sign for certificate
Conflicts of Interest records		Candidate name Candidate Number Candidate DOB	Exams Office Computer	Locked Exams Office	
Entry information		Candidate name Candidate Number Candidate DOB Gender	SIMS	Secure user name and password	Until appeal, malpractice or other results enquiry has been completed



<b>Information type</b>	<b>Information description (where required)</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>
Exam room incident logs					Until appeal, malpractice or other results enquiry has been completed
Overnight supervision information					Until appeal, malpractice or other results enquiry has been completed
Post-results services: confirmation of candidate consent information		Candidate name Candidate Number	Form held in appeals file	Locked Exams Office	Until appeal, malpractice or other results enquiry has been completed
Post-results services: requests/outcome information		Candidate name Candidate Number	Computer  Paperwork held in appeals file	Secure user name and password  Locked Exams Office	Until appeal, malpractice or other results enquiry has been completed
Post-results services: scripts provided by ATS service		Candidate name Candidate Number	Computer  Paperwork held in appeals file	Secure user name and password  Locked Exams Office	N/A
Post-results services: tracking logs		Candidate name Candidate Number	Computer  Paperwork held in appeals file	Secure user name and password  Locked Exams Office	Until appeal, malpractice or other results enquiry has been completed

<b>Information type</b>	<b>Information description (where required)</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>
Resolving clashes information		Candidate name Candidate Number	SIMS  Paperwork held in appeals file	Secure user name and password  Locked Exams Office	Until appeal, malpractice or other results enquiry has been completed
Results information		Candidate name Candidate Number Candidate DOB Gender Candidate Photo	SIMS 4 Matrix  Paperwork held in appeals file	Secure user name and password  Locked Exams Office	Current academic year + 6 years
Seating plans		Candidate name Candidate Number Access Arrangements	SIMS  Paperwork held in appeals file	Secure user name and password  Locked Exams Office	Until appeal, malpractice or other results enquiry has been completed
Special consideration information		Candidate name Candidate Number	Computer  Paperwork held in appeals file	Secure user name and password  Locked Exams Office	Until appeal, malpractice or other results enquiry has been completed
Suspected malpractice reports/outcomes		Candidate name Candidate Number	Computer  Paperwork held in appeals file	Held by Head of Centre	Until end of malpractice investigation or end of outcome
Transferred candidate information		Candidate name Candidate Number	Computer  Paperwork held in appeals file	Secure user name and password  Locked Exams Office	Until appeal, malpractice or other results enquiry has

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
					been completed
Very late arrival reports/outcomes		Candidate name Candidate Number	Computer  Paperwork held in appeals file	Secure user name and password  Locked Exams Office	Until appeal, malpractice or other results enquiry has been completed