

# DATA PROTECTION POLICY (Exams) 2023/24

This policy is reviewed annually to ensure compliance with current regulations

Approved/reviewed by	
Mr Collar	
Date of next review	30/09/2024

## Key staff involved in the policy

Role	Name(s)
Head of centre	Ms Lowing
Exams officer	Mrs Knos
Senior leader(s)	Mr Collar
IT manager	Mr Nolan
Data manager	Mrs Magryta

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## 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 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
- HISP 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; OCR Interchange; Pearson Edexcel Online; WJEC Secure Website; RSL; Cambridge International Digital File Despatch
- a Management Information System (MIS) provided by Arbor Education sending/receiving information via electronic data interchange (EDI) using A2C (<https://www.jcq.org.uk/abouta2c>) 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

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

All candidates are:

- informed via GCSE information Evening and sent by email to all year 11 students
- given access to this policy via the school website

Candidates are made aware of the above at the year 10 and year 11 exams assemblies.

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 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.

## 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
Lenovo Desktop Computer	June 2022 Individual Username and Password Fortigate Firewall WSUS/AV maintained by IT Services via MECM	June 2025
HP EliteDesk Desktop computer	October 2019 Individual Username and Passwords Fortigate Firewall WSUS/AV maintained by IT Services via MECM	Maintained by IT Dept

Software/online system	Protection measure(s)
Arbor	Individual usernames and passwords, with cyber essentials compliant password policy in place.  These usernames and passwords are managed through Microsoft Azure and provide a single sign on facilitate for Arbor.  MFA is also in place for all staff accounts when they are not working on site at Thornden School.
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 Deputy Headteacher for Exams only have access
4Matrix	Desktop application is only available to appropriate members of staff. Data Manager & MAT Data Manager only have ADMIN rights. SLT have access rights to all students and classes. HoDs have access rights to their department. HoYs have access rights to their year group.
ExamWritePad	Software used by students with word processing access arrangements. Software performs an auto-save every 5 minutes and keeps version history of work. Provides exam complaint word processing environment (no spell or grammar check, no auto-correct, etc)
Secure Network Location	Student work relocated to a secure network share at the end of the day Access to this location limited to IT Admin and Head of School Protected by NTFS permission ACLs

## 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

Mr 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.

All exam information is stored on Arbor. Thornden completed an impact assessment before transfer to Arbor which is available on request.

## **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 at the end of this 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 Mr Collar, Deputy Headteacher for Exams in writing. 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 Mr Collar, Deputy Headteacher for Exams 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, 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](http://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](http://www.gov.uk/guidance/school-reports-on-pupil-performance-guide-for-headteachers)

### **Publishing exam results**

Thornden School will publish exam results to the media or within the centre (e.g. on an honours board) 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 examinations 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 Thornden 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 Mr Collar, Deputy Headteacher for Exams, 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)	Current academic year + 6 years. Electronic copies deleted, paper destroyed by shredding as confidential waste
Alternative site arrangements		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)	Until appeal, malpractice or other results enquiry has been completed + 6 years. Electronic copies deleted, paper destroyed by shredding as confidential waste.
Attendance registers copies		Candidate name Candidate Number	Filing Cabinet in Exams Office	Locked Exams Office	Until appeal, malpractice or other results enquiry has been completed + 1 year.

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
					Electronic copies deleted, paper destroyed by shredding as confidential waste.
Candidates' scripts		Candidate name Candidate Number	Exams Office / Reception	Locked cupboard	Until collected by courier.
Candidates' work		Candidate name Candidate Number	Relevant Department	Locked cupboard	Until appeal, malpractice or other results enquiry has been completed.  Returned to student or destroyed by shredding as confidential waste.
Certificates		Candidate name Candidate Number Candidate DOB	Exams Office / Reception	Locked cupboard	1 year after receiving certificates.  Securely destroyed on site, list of destroyed certificates retained for 4 years.
Certificate destruction information		Candidate name Candidate Number	Computer	Secure user name and password	4 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
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	Computer	Secure user name and password	Until appeal, malpractice or other results enquiry has been completed + 1 year.  Electronic copies deleted, paper destroyed by shredding as confidential waste.
Entry information		Candidate name Candidate Number Candidate DOB Gender	MIS	Secure user name and password	Until appeal, malpractice or other results enquiry has been completed + 6 years.  Electronic copies deleted, paper destroyed by shredding as confidential waste.
Exam room incident logs		Candidate name	Filing Cabinet in Exams Office	Locked Exams Office	Until appeal, malpractice or other results enquiry has been completed + 1 years.  Electronic copies deleted, paper

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
					destroyed by shredding as confidential waste.
Invigilator and facilitator training records		Name	Computer File in Exams Office	Secure username and password Locked Exams Office	Until the end of their employment or 6 years, whichever is longest.  Electronic copies deleted, paper destroyed by shredding as confidential waste.
Overnight supervision information		Candidate name	Filing Cabinet in Exams Office	Locked Exams Office	Until appeal, malpractice or other results enquiry has been completed + 1 year.  Electronic copies deleted, paper destroyed by shredding as confidential waste.
Post-results services: confirmation of candidate consent information		Candidate name Candidate number	File in Exams Office	Locked Exams Office	Until 1 year after results day.  Electronic copies deleted, paper destroyed by shredding as

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
					confidential waste.
Post-results services: requests/outcome information		Candidate name Candidate number	Computer File in Exams Office	Secure username and password Locked Exams Office	Until appeal, malpractice or other results enquiry has been completed + 1 year.  Electronic copies deleted, paper destroyed by shredding as confidential waste.
Post-results services: scripts provided by ATS service		Candidate name Candidate number	Computer File in Exams Office	Secure username and password Locked Exams Office	Until appeal, malpractice or other results enquiry has been completed + 1 year.  Electronic copies deleted, paper destroyed by shredding as confidential waste.
Post-results services: tracking logs		Candidate name Candidate number	Computer File in Exams Office	Secure username and password Locked Exams Office	Until appeal, malpractice or other results enquiry has been completed + 1 year.  Electronic copies deleted, paper destroyed by

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
					shredding as confidential waste.
Private candidate information		Candidate name Candidate number Candidate DOB Gender	Computer File in Exams Office	Secure username and password Locked Exams Office	Until appeal, malpractice or other results enquiry has been completed + 1 year.  Electronic copies deleted, paper destroyed by shredding as confidential waste.
Resolving timetable clashes information		Candidate name Candidate number	MIS File in Exams Office	Secure username and password Locked Exams Office	Until appeal, malpractice or other results enquiry has been completed + 1 year.  Electronic copies deleted, paper destroyed by shredding as confidential waste.
Results information		Candidate name Candidate number Candidate DOB Gender Candidate photo	MIS 4Matrix File in Exams Office	Secure username and password Locked Exams Office	Current academic year + 6 years.  Electronic copies deleted, paper destroyed by shredding as

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
					confidential waste.
Seating plans		Candidate name Candidate number Access arrangements	MIS File in Exams Office	Secure username and password Locked Exams Office	Until appeal, malpractice or other results enquiry has been completed + 1 year.  Electronic copies deleted, paper destroyed by shredding as confidential waste.
Special consideration information		Candidate name Candidate number	Computer File in Exams Office	Secure username and password Locked Exams Office	Until appeal, malpractice or other results enquiry has been completed + 1 year.  Electronic copies deleted, paper destroyed by shredding as confidential waste.
Suspected malpractice reports/outcomes		Candidate name Candidate number	Computer File in Exams Office	Secure username and password Locked Exams Office	Until appeal, malpractice or other results enquiry has been completed + 1 year.  Electronic copies deleted, paper destroyed by



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
					shredding as confidential waste.
Transferred candidate arrangements		Candidate name Candidate number	Computer File in Exams Office	Secure username and password Locked Exams Office	Until appeal, malpractice or other results enquiry has been completed + 1 year.  Electronic copies deleted, paper destroyed by shredding as confidential waste.
Very late arrival reports/outcomes		Candidate name Candidate number	Computer File in Exams Office	Secure username and password Locked Exams Office	Until appeal, malpractice or other results enquiry has been completed + 1 year.  Electronic copies deleted, paper destroyed by shredding as confidential waste.