



# THE WELLS ACADEMY



## Data Protection Policy (Examinations) 2020/21

This policy is reviewed annually to ensure compliance with current regulations

Reviewed:	28 January 2021
Date of next review:	26 January 2022

### **Key staff involved in this policy:**

Role	Name(s)
Head of Centre	Marcus Shepherd
Examinations Officer	Mark Mander
Senior Leader (s)	Pete Davies
IT Service Delivery Manager	Daniel Dudley
Data Protection Officer	Alison Hope

## Purpose of this Policy

This policy details how The Wells Academy, in relation to examinations management and administration, ensures compliance with the regulations as set out by the Data Protection Act 2018 (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 examinations 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 2018 and GDPR, all candidates' examination information – even that which is not classified as personal or sensitive – is covered under this policy. See also the main Trust Data Protection Policy.

## Section 1 – Examinations-related information

There is a requirement for the Examinations 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 – Candidate information, audit and protection measures*.

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

- Awarding bodies
- Joint Council for Qualifications (JCQ)
- DfE
- Greenwood Academies Trust
- Local Authority
- Press

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

- Hard copy
- Via email
- Secure extranet site(s) – eAQA; OCR Interchange; Pearson Edexcel Online; WJEC Secure Website, NCFE portal
- The Academy's 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.]
- SISRA - the Trust's data reporting software

This data may relate to examination entries, access arrangements, the conduct of examinations and non-examination assessments, special consideration requests and examination results/post-results/certificate information.

## Section 2 – Informing candidates of the information held

The Wells Academy ensures that candidates are fully aware of the information and data held.

All candidates are:

- Informed via centre newsletter, electronic communication and presentations
- Given access to this policy via the centre website

Candidates are made aware of the above at the start of their course of study leading to an externally accredited qualification.

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 GDPR.

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.

## 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	January 2019 Individual username and password Trust installed firewall Trust installed anti-virus software Regular security updates	Maintained by Trust IT provision
Laptop	January 2019 Individual username and password Trust installed firewall Trust installed anti-virus software Regular security updates	Maintained by Trust IT provision

Software/online system	Protection measure(s)
MIS – SIMS Capita	Protected usernames and passwords; centre administrator has to approve the creation of new user accounts and determine access rights
Awarding body secure extranet site	Protected usernames and passwords; centre administrator has to approve the creation of new user accounts and determine access rights
A2C	Installed only on Examination Officer's device

Internet browser	Student web filter; regularly updated firewall and anti-virus software
Data analysis programme - SISRA	Protected usernames and passwords; centre administrator has to approve the creation of new user accounts and determine 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

The Data Protection Officer (DPO) and Centre Lead will be informed immediately; the DPO will lead on investigating any 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 any 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
- Windows updates are undertaken upon release (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 Examinations Archiving Policy which is available/accessible on the Centre's website at [www.thewellsacademy.org](http://www.thewellsacademy.org)

## 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 examination results, 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 examination questions.

## Requesting Examination Information

Current and former candidates can request access to information/data held on them by making a Subject Access Request (SAR) to the Data Protection Officer, in writing. All requests will be dealt with within one calendar month, following GDPR guidelines.

## Responding to Requests

If a request is made for examination information before results have been announced, a request will be responded to:

- within five months of the date of the request, or
- within forty (40) days from when the results are published (whichever is earlier).

If a request is made once examination 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 provided (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.

## Sharing Information with Parents

The centre will consider 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](http://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](http://www.gov.uk/guidance/school-reports-on-pupil-performance-guide-for-headteachers)

## Publishing Examination Results

The Wells Academy will publish examination 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 The Wells Academy will have a legitimate reason for publishing examination results, consent is not required from students or their parents or guardians for publication. However, if a student or their parents or guardians have a specific concern about publication of their results, they have the right to

object. This objection must be made in writing to the 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 the examination results.

## Section 8 – Table recording candidate examinations-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 Secure storage in the Examinations office	Secure user name and password Secure storage in the Examinations office which is always locked.	After the deadline for EARs
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 MIS Secure storage in the Examinations office	Secure user name and password Secure storage in the Examinations office, which is always locked.	
Attendance registers copies		Candidate name Candidate number Candidate tier information (where applicable)	Examinations Office	Secure storage in the Examinations office, which is always locked.	After the deadline for EARs



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		Candidate name Candidate number Candidate tier information Candidate assessment data	The Examinations Office	Secure storage in the Examinations office, which is always locked.	According to JCQ ICE booklet – Until appeal, malpractice or other results enquiry has been completed
Candidates' work		Candidate name Candidate Number	Relevant department Examinations Office	Locked cupboard Secure storage in Examinations office	According to JCQ NEA booklet – Until appeal, malpractice or other results enquiry has been completed
Centre consortium arrangements for centre assessed work					
Certificates		Candidate name Candidate Number Candidate DOB Unique Candidate Identifier (UCI) Qualification grades	Examinations Office Reception	Locked cupboard Secure storage in Examinations Office	Obligatory period 1 year but keep for 2 years. A record of certificates that have been destroyed is kept for 4 years.
Certificate destruction information		Candidate name Candidate number Unique Candidate Identifier	Examinations Office	Secure storage in exams office which is locked.	
Certificate issue information		Candidate name	Main Reception	Locked cupboard	

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		Candidate name Candidate Number Candidate DOB	Examinations Office School computer	Secure storage in Examinations Office which is locked.  Password protected document	
Entry information		Candidate name Candidate number Candidate tier information (where applicable) Gender	SIMS	Secure user name and password	Until appeal, malpractice or other results enquiry has been completed
Exam room incident logs		Date Time Exam Invigilator names Access arrangements Record of any incidents during exam – can include personal candidate details for instance illness.	Examinations Office	Secure storage in Examinations Office which is locked.	Until appeal, malpractice or other results enquiry has been completed
Invigilator and facilitator training records		Invigilator name Attendance	Examinations Office	Secure storage in Examinations Office which is locked.	After the deadline for EARs and/or appeals have been exhausted

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
Overnight supervision information		Candidate name Candidate number Details of overnight supervision arrangements Candidate address Candidate contact details	Examinations Office	Secure storage in exams office which is locked.	After the deadline for EARs and/or appeals have been exhausted
Post-results services: confirmation of candidate consent information		Candidate name Candidate number	Examinations Office	Secure storage in Examinations Office which is locked.	After the deadline for EARs and/or appeals have been exhausted
Post-results services: requests/outcome information		Candidate name Candidate Number	Examinations Office Examinations Officer's computer	Secure storage in Examinations Office which is locked.  Password protected document	After the deadline for EARs and/or appeals have been exhausted
Post-results services: scripts provided by ATS service		Candidate name Candidate number Qualification grades and marks Candidate answers to questions	IT network Awarding body secure extranet site The Examinations Office	Secure user name and password Secure storage in Examinations Office which is locked.	After the deadline for EARs and/or appeals have been exhausted
Post-results services: tracking logs		Candidate name Candidate number	Examinations Office Examination Officer's computer	Secure storage in Examinations Office which is locked.  Password protected document	After the deadline for EARs and/or appeals have been exhausted

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
Private candidate information		Candidate name Candidate number Candidate UCI Candidate ULN Candidate DoB Gender Candidate timetable	MIS (SIMS) Examination Officer's computer Awarding body secure extranet site The Examinations Office	Secure storage in Examinations Office which is locked.  Password protected document	After the deadline for EARs and/or appeals have been exhausted
Resolving timetable clashes information		Candidate name Candidate number Candidate UCI Candidate timetable	MIS (SIMS) Examination Officer's computer The Examinations Office	Secure storage in Examinations Office which is locked.  Password protected document	After the deadline for EARs and/or appeals have been exhausted
Results information		Candidate name Candidate number Candidate UCI Candidate ULN Candidate DoB Qualification grades	MIS (SIMS) Exams Officer's computer The Examinations Office Awarding body secure extranet site Teacher reports	Secure storage in Examinations Office which is locked.  Password protected document	After the deadline for EARs and/or appeals have been exhausted
Seating plans		Candidate name Candidate number Candidate UCI	Examination Officer's computer The Examinations Office Exams venues	Secure user name and password  Secure storage in Examinations Office which is locked.	After the deadline for EARs and/or appeals have been exhausted

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 Candidate number Candidate UCI Candidate DoB Medical details (if applicable) Safeguarding information (if applicable)	Awarding body secure extranet site The Examinations Office Pastoral leader	Secure user name and password Secure storage in Examinations Office which is locked.	After the deadline for EARs and/or appeals have been exhausted
Suspected malpractice reports/outcomes		Candidate name Candidate number Candidate UCI Qualification codes Personal details as pertaining to the incident Evidence	Examination Officer's computer The Examinations Office Awarding body malpractice dept.	Secure user name and password Secure storage in Examinations Office which is locked.	After the deadline for EARs and/or appeals have been exhausted
Transferred candidate arrangements		Candidate name Candidate number Candidate UCI Candidate ULN Entry codes Tier information (where applicable)	The Examinations Office Awarding body extranet Previous school	Secure storage in Examinations Office which is locked. Secure user name and password Email correspondence with previous school	

Very late arrival reports/outcomes		Candidate name Candidate number Entry codes	The Examinations Office Awarding body	Secure user name and password Email correspondence with awarding body The Examinations Office is always locked	
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