



Backwell School

Data Protection Policy (exams)

2023/24

This policy is reviewed annually to ensure compliance with current regulations

Approved/reviewed by	
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Purpose of the policy

Backwell School is part of the Lighthouse Schools Partnership, and details of how they comply with the Data Protection Regulations are set out in the Lighthouse Schools Partnership Data Protection Policy, available on their website (and via the Backwell School website).

This policy details how Backwell 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 – Candidate information, audit and protection measures* below.

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

- Awarding bodies
- Joint Council for Qualifications
- Department for Education
- Local Authority
- 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 services;
- Management Information System (MIS) provided by ESS SIMS and Exams Assist
- 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

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

All candidates are:

- informed via the options information booklets for KS4 and KS5.

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

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. This is referred to in the Examinations Key Information booklet and available on the centre website.

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 – 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.

The exams team will comply with all data protection requests and audits as required by the Lighthouse Schools Partnership.

The table below (section 5) details the type of candidate exams-related information held, and how it is managed, stored and protected

Protection measures include:

- password protected area on the centre's intranet
- secure drive accessible only to selected staff
- information held in a lockable/secure area

Section 4 – 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 exams officer in writing or by email. Steps should be taken to confirm ID if a former candidate is unknown to current staff – eg by requesting date of birth, year exams taken, address etc.

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 the 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 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 only release information regarding exam results to the candidate unless they give their permission in writing for someone else to be given this information.

The centre will only give exam certificates to the candidate unless they have given their permission in writing for someone else to collect them.

The centre will take into account any 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

Section 5 – Table recording candidate exams-related information held

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	Ed Support responsible for collating information and making applications. Information about AA is shared with the exam team via SIMs / copies of letters to parents / e-mail queries	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 Secure user name and password In secure area solely assigned to exams & data	Per Exam Board Per school policy Until expiry of AA
Attendance registers copies	Completed registers, seating plans, dispatch records, and incident logs	Candidate details Confidential information in incident log	Lockable filing cabinet in locked office	In secure area solely assigned to exams & data	Requirement is until the deadline for enquiries about results or any moderation/appeal is completed, whichever is the later. We retain for 1 year.
Candidates' scripts		Candidate information	Stored in lockable cabinet until despatched	In secure area solely assigned to exams & data	Max 1 day before despatch

Candidates' work	NEA samples – all work logged in and out by exams team, but stored by the relevant department. Departments are responsible for keeping work secure	Candidate information	Stored in lockable cabinet in exams office, until collected by department	In secure area solely assigned to exams & data	Until the deadline for enquiries about results or any moderation/appeal is completed, whichever is the later.
Certificates		Candidate information	Lockable metal filing cabinet	Secure area solely assigned to exams & data	JCQ requirement is minimum 1yr. We store for 5 years.
Certificate issue information	Log of all certificates, date collected / posted	Candidate name	Lockable metal filing cabinet	Secure area solely assigned to exams & data	Indefinite (subject to space)
Entry information	Candidate statements of entry/Entry listings Data entry on marksheets E-mails re amendments/withdrawals and ad-hoc entries	Candidate information	Lockable metal filing cabinet MIS E-mail	Secure area solely assigned to exams & data Secure user name and password Secure user name and password	1 year Marksheets should be deleted annually
Exam room incident logs	See "attendance registers"				
Invigilator and facilitator training records	Records of online training via The Exams Office Attendance records at briefing sessions	Names	The Exams Office - website Lockable filing cabinet in locked office	Secure user name and password In secure area solely assigned to exams & data	Annual 1 year

Overnight supervision information	Letters to supervisors Completed JCQ "Timetable variation and confidentiality declaration for overnight supervision" form	Candidate information	Lockable filing cabinet in locked office	In secure area solely assigned to exams & data	Requirement is until the deadline for enquiries about results or any moderation/appeal is completed, whichever is the later. We retain for 1 year.
Post-results services: confirmation of candidate consent information	Completed request forms, candidate consent and outcome information	Candidate information	Lockable filing cabinet in locked office	In secure area solely assigned to exams & data	Requirement is until the deadline for enquiries about results or any moderation/appeal is completed, whichever is the later. We retain for 1 year.
Post-results services: requests/outcome info	As above				
Post-results services: scripts provided by ATS service	As above				
Post-results services: tracking logs	As above				

Private candidate information	Completed entry form	Candidate information	Lockable filing cabinet in locked office	In secure area solely assigned to exams & data	Requirement is until the deadline for enquiries about results or any moderation/appeal is completed, whichever is the later. We retain for 1 year.
Resolving timetable clashes information		Candidate information	Lockable filing cabinet in locked office	In secure area solely assigned to exams & data	Requirement is until the deadline for enquiries about results or any moderation/appeal is completed, whichever is the later. We retain for 1 year.
Results information	Downloaded into SIMS Candidate statements of results	Candidate information	MIS Lockable metal filing cabinet	Secure user name and password In secure area solely assigned to exams & data	Per school policy Results slips not collected confidentially destroyed (within 3 months)
Seating plans	See "attendance registers"				

Special consideration information		Candidate information Potentially medical/personal information	Lockable filing cabinet in locked office	In secure area solely assigned to exams & data	Requirement is until the deadline for enquiries about results or any moderation/appeal is completed, whichever is the later. We retain for 1 year.
Suspected malpractice reports/outcomes		Candidate information	Lockable filing cabinet in locked office	In secure area solely assigned to exams & data	Requirement is until the deadline for enquiries about results or any moderation/appeal is completed, whichever is the later. We retain for 1 year.
Transfer of credit information		Candidate information	Lockable filing cabinet in locked office	In secure area solely assigned to exams & data	Requirement is until the deadline for enquiries about results or any moderation/appeal is completed, whichever is the later. We retain for 1 year.

Transferred candidate arrangements		Candidate information	Lockable filing cabinet in locked office	In secure area solely assigned to exams & data	Requirement is until the deadline for enquiries about results or any moderation/appeal is completed, whichever is the later. We retain for 1 year.
Very late arrival reports/outcomes		Candidate information	Lockable filing cabinet in locked office	In secure area solely assigned to exams & data	Requirement is until the deadline for enquiries about results or any moderation/appeal is completed, whichever is the later. We retain for 1 year.