



# Whitby School

## General Data Protection Regulation Policy (exams)

### School Governance Status

This policy is reviewed annually to ensure compliance with current regulations.

| Review dates  | By Whom             | Approval date |
|---------------|---------------------|---------------|
| February 2020 | Staff and Governors | February 2020 |
| March 2022    | Staff and Governors | March 2022    |
| March 2023    | Staff and Governors | March 2023    |
| January 2024  | Staff and Governors | March 2024    |
| March 2025    | Staff and Governors | 1 April 2025  |
| January 2026  | Staff and Governors | 23 March 2026 |

**Signed by the Chair:**

## Key staff involved in the policy

| Role                         | Name(s)                                 |
|------------------------------|---|
| Head of centre               | <b>Susan Boyd</b>                       |
| Exams officer & Data Manager | <b>Nick Tindall &amp; Gill Teasdale</b> |
| Senior leader                | <b>Andrew Whelan</b>                    |
| IT manager                   | <b>Tom Hutchinson</b>                   |

### Purpose of the policy

This policy details how Whitby 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 General Data Protection Regulation (GDPR).

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 2018 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(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
- Department for Education; Local Authority; the Press; etc.]

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; City & Guilds Walled Garden; etc.]
- a Management Information System (MIS) provided by Bromcom 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

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

All candidates are:

- informed via centre newsletter, electronic and paper communication.
- given access to this policy via centre website, written request.

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.

Candidates involved in suspected or alleged malpractice will be informed that their personal data will be provided to the awarding body (or bodies) whose examinations/assessments are involved, and that personal data about them may also be shared with other awarding bodies, the qualifications regulator or professional bodies, in accordance with the JCQ document *Suspected Malpractice – Policies and Procedures*.

Candidates will be informed:

- that awarding bodies may be required to provide a candidate's personal data to educational agencies, such as DfE, Welsh Government, Department of Education (Northern Ireland), ESFA, regulators, HESA, UCAS, Local Authorities and the Learning Records

Service (LRS)

- that their personal data may be provided to a central record of qualifications approved by the awarding bodies for statistical and policy development purposes
- of the processing that the centre undertakes, for example, that the centre will provide relevant personal data, including name, date of birth and gender, to the awarding bodies for the purpose of examining and awarding qualifications

Candidates may obtain access to their personal data, such as examination results by applying to the appropriate awarding body's data protection officer.

Candidates are also referred to the centre's privacy notice which explains:

- why Whitby school needs to collect personal data
- what it plans to do with it
- how long it will keep it
- whether it will be sharing it with any other organisation

### **Section 3 – 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 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 4 – 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.

## **Section 5– 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 Exams archiving policy.

## **Section 6 – Access to information**

(With reference to ICO information <https://ico.org.uk/for-the-public/schools/exam-results/>)

The UK 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 Gill Teasdale and Nick Tindall in writing/email and how 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 the Exam officer/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. 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), 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)

## Section 8 – Table recording candidate exams-related information held

For details of how to request access to information held, refer to section 6 of this policy (**Access to information**)

For further details of how long information is held, refer to section 5 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<br>Candidate DOB<br>Gender<br>Data protection notice (candidate signature)<br>Diagnostic testing outcome(s)<br>Specialist report(s) (may also include candidate address)<br>Evidence of normal way of working | Access Arrangements Online<br>MIS<br>Lockable metal filing cabinet | Secure user name and password<br><br>In secure office (SENCo) | <b>All information given to SEN dept once the student has left Whitby School</b> |
| Alternative site arrangements                           |  | Candidate name<br>Candidate No.  | MIS  | Secure Exams Only Area  | Destroyed once RoR deadline has passed & during next academic year               |
| Attendance registers copies                             |  | Candidate name<br>Candidate No.  | Filing Cabinet   | In secure Exams room  | Destroyed once RoR deadline has passed   |
| Candidates' scripts                                     |  | Candidate name<br>Candidate No.  | Lockable Filing Cabinet until Parcelforce collects                 | In secure Exams room  | NA   |
| Candidates' work  |  | By Teaching Departments  |  |   |  |
| Centre consortium arrangements for centre assessed work |  | By Teaching Departments  |  |   |  |

| 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   |
|--|--|---|-----------------------------|------------------------------|--|
| Certificates                                 |  | Candidate name<br>Candidate No.<br>Candidate DOB                    | Filing Cabinet              | In secure Exams office       | 5 years  |
| Certificate issue information                |  | Candidate name  | Archfile                    | In secure Exams office       | ongoing  |
| Conflicts of Interest records                |  | Candidate name<br>Candidate DOB                                     | <b>MIS</b>                  | Secure Exams Only Area       | Destroyed once RoR deadline has passed & during next academic year |
| Entry information                            |  | Candidate name  | Filing Cabinet<br>MIS       | In secure Exams office       | Destroyed once RoR deadline has passed & during next academic year |
| Exam room incident logs                      |  | Candidate name  | Filing Cabinet              | In secure Exams office       | Destroyed once RoR deadline has passed & during next academic year |
| Invigilator and facilitator training records |  | Invigilator name  | Archfile                    | In secure Exams office       | ongoing  |
| Overnight supervision information            |  | Candidate name  | Filing Cabinet              | In secure Exams office       | Destroyed once RoR deadline has passed & during next academic 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   |
|--|--|---|-----------------------------|------------------------------|--|
| Post-results services: confirmation of candidate consent information |  | Candidate name<br>Candidate No  | Filing Cabinet              | In secure Exams office       | Retained for 12 months   |
| Post-results services: requests/outcome information                  |  | Candidate name<br>Candidate No  | Filing Cabinet<br>MIS       | In secure Exams office       | Retained for 12 months<br>Destroyed once                           |
| Post-results services: scripts provided by ATS service               |  | Candidate name<br>Candidate No  | MIS                         | Secure Exams Only Area       | Destroyed once RoR deadline has passed & during next academic year |
| Post-results services: tracking logs                                 |  | Candidate name<br>Candidate No  | MIS                         | Secure Exams Only Area       | Retained for 12 months   |
| Private candidate information  |  | Candidate name<br>Candidate No<br>DOB<br>Address<br>Contact information | Filing Cabinet              | In secure Exams office       | Retained for 12 months   |
| Resolving timetable clashes information                              |  | Candidate name<br>Candidate No  | Filing Cabinet<br>MIS       | In secure Exams office       | Retained for 12 months   |
| Results information  |  | Candidate name<br>Candidate No  | Filing Cabinet<br>MIS       | In secure Exams office       | Current year + 6 previous years                                    |
| Seating plans  |  | Candidate name<br>Candidate No  | Filing Cabinet              | In secure Exams office       | Destroyed once RoR deadline has passed &                           |

| 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   |
|--|--|---|-----------------------------|------------------------------|--|
|  |  |   |                             |                              | during next academic year  |
| Special consideration information      |  | Candidate name<br>Candidate No                                      | Filing Cabinet              | In secure Exams office       | Retained for 12 months   |
| Suspected malpractice reports/outcomes |  | Candidate name<br>Candidate No                                      | Filing Cabinet              | In secure Exams office       | Recommended Guideline followed                                     |
| Transferred candidate arrangements     |  | Candidate name<br>Candidate No                                      | Filing Cabinet              | In secure Exams office       | Destroyed once RoR deadline has passed & during next academic year |
| Very late arrival reports/outcomes     |  | Candidate name<br>Candidate No                                      | Filing Cabinet              | In secure Exams office       | Destroyed once RoR deadline has passed & during next academic year |