THAMESVIEW SCHOOL

Thong Lane, Gravesend, Kent DA12 4LF

Data Protection Policy (Exams) 2020/21

Purpose of the policy

This policy details how Thamesview 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).

> 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 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 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)
- Department for Education
- Local Authority
- On occasions the press (with candidates consent)

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

- hard copy
- email
- secure extranet site(s) – eAQA; OCR Interchange; Pearson Edexcel Online; WJEC Secure Website
- a 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

Thamesview school ensures that candidates are fully aware of the information and data held.

All candidates are:
- informed via candidate exam information booklet informing that all exam related policies are on school website
- given access to this policy via school 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 are protected in line with DPA & GDPR requirements.

Hardware	Date of purchase and protection measures	Warranty expiry
Physical and Hyper-V servers – application server, file server and data backup Desktops – exam administration Laptops – exam clients	Servers – purchased between 2015-2016 Desktops – purchased between 2013-2017 Laptops – purchased between 2013-2020 All hardware is checked by the Network Manager and Assistant Network Manager. A yearly audit is carried out of all equipment purchased by the school. Antivirus is configured to install updates when available, and to carryout daily scans.	Servers – provided by Millgate Solutions. Server warranties expire 2021 Desktops and laptops are only purchased with a 1 Year warranty
Laptops	Computers are scanned daily, and active anti-virus measure is in place. These are run automatically and checked by the IT support team.	N/A

Software/online system	Protection measure(s)
Microsoft Windows File Server and DPM Backup Server	Windows permissions are used to restrict access to information stored on the school internal network. Restrictions are based on groups or individual accounts. All accounts require password protected, and must meet a minimum password complexity requirement – Upper and lower case letters and numbers.

Pearson Onscreen Platform	Access to the POP system is restricted by the use of user accounts and Windows permissions
Exam accounts	Only ICT support team knows the passwords for the student accounts. Accounts are restricted in accordance to the examining body.
SIMS	Username and password - Students don't have access to SIMS
Internet Explorer	Restricted accounts don't have access to IE or internet. These are set up in relation to the examining body regulations.
Awarding bodies secure sites A2C	Software on machine of the exam officer which connects to examining bodies sites. This is restricted to the exam officer machine only.

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**

Mrs Sandy Data Protection Lead 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.

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
- regular updates of the server and client operating systems, including the internet browsers – Internet Explorer and Edge. Updates of the antivirus software and firewall when provided by the provider.

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 Exam Policy which is available from the school website, sharepoint and a hard copy in exam office.

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 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 exam questions.

Requesting exam information

Requests for exam information can be made to Mrs Sandy Data Protection Lead by writing/email formal ID will be required

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.

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 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 results have been announced, 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), 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
- School reports on pupil performance
  www.gov.uk/guidance/school-reports-on-pupil-performance-guide-for-headteachers

Publishing exam results

When considering publishing exam results, Thamesview School will make reference to the ICO (Information Commissioner's Office) Schools, universities and colleges information https://ico.org.uk/your-data-matters/schools/ on publishing exam results.

(Publishing examination results is a common and accepted practice. Many students enjoy seeing their name in print, particularly in the local press and the GDPR does not stop this happening. However, under the GDPR schools have to act fairly when publishing results, and where people have concerns about their or their child's information being published, schools must take those concerns seriously.

Schools should make sure that all pupils and their parents or guardians are aware as early as possible whether examinations results will be made public and how this will be done. Schools should also explain how the information will be published. For example, if results will be listed alphabetically, or in grade order.

In general, because a school has a legitimate reason for publishing examination results, pupils or their parents or guardians do not need to give their consent to publication. However, if you have a specific concern about publication of your results, you have the right to object. Schools should consider objections from pupils and parents before making a decision to publish. A school would need to have a good reason to reject someone's objection to publication of their exam results.)

DATA PROTECTION POLICY (EXAMS) 2020/21

This Policy was agreed by the Headteacher on   November 2020

Signed_____ (Headteacher)

This policy will be formally reviewed in 1yr (September 2021)

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	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 SIMS Lockable filing cabinet	Secure user name and password Locked Cupboard in SENCO office	Pupil records until pupil reaches 25 years of age
Attendance registers copies	Candidate name Candidate Exam Number	Exam office	Locked cupboard Exam office	After completion of all EAR
Candidates' CA/NEA work	Candidate name Candidate Exam Number	Subject office	Locked cupboard	After completion of all EAR
Certificates	Candidate name Candidate Exam number	Exam office	Locked Cupboard	1 year

Information type	What personal/sensitive data is/may be contained in the information	Where information is stored	How information is protected	Retention period
Certificate destruction information	Candidate name Candidate Exam Number	Spreadsheet	Secure user name and password	5 years
Conflict of Interest records	Staff name Family members name Conflict of interest information	**Exam office** **Desk top**	**Locked cupboard** **Secure log in and password**	**1 academic year then securely destroy**
Certificate issue information	Candidate name Candidate Exam Number Candidate exam results	Printed lists from exam board - Exam office Spreadsheet	Locked cupboard Exam office Secure password and log in	1 year
Entry information	Candidate name Candidate Exam Number Candidate subject entered	Printed lists Exam office SIMS	Locked cupboard Exam office Secure log in and password	After completion of all EAR
Exam room incident logs	Candidate name Candidate Exam Number Details of incident	Written sheets Exam office	Locked cupboard Exam office	After completion of all EAR
Post-results services: confirmation of candidate consent information	Candidate name Candidate Exam Number Candidates results information	Signed consent forms Exam office	Locked cupboard Exam office	After completion of all EAR

Information type	What personal/sensitive data is/may be contained in the information	Where information is stored	How information is protected	Retention period
Post-results services: requests/outcome information	Candidate name Candidate Exam Number Candidate results information	Signed consent forms and outcome information	Exam office Exam board secure website	After completion of all EAR
Post-results services: scripts provided by ATS service	Candidate name Candidate Exam Number Candidate script	Subject office	Locked cupboard	No set time limit
Post-results services: tracking logs	Candidate name Candidate Exam Number	Exam office	Locked cupboard Exam office	After completion of all EAR
Resolving clashes information	Candidate name Candidate Exam Number Candidate Exam information	Exam Office SIMS	Secure password and log in	After completion of all EAR
Results information	Candidate name Candidate Exam Number Candidate results	Exam Office SIMS	In locked room Exam office Secure log in and password	6 years & current year
Seating plans	Candidate name Candidate Exam Number	Exam Office SIMS	In locked cupboard Exam office Secure log in and password	After completion of all EAR
Special consideration information	Candidate name Candidate Exam Number	Exam Office	In locked cupboard	After completion of all EAR

Information type	What personal/sensitive data is/may be contained in the information	Where information is stored	How information is protected	Retention period
	Candidate reason for special consideration & evidence	Secure exam board on line	Secure log in and password	
Very late arrival reports/outcomes	Candidate name Candidate Exam Number	Exam office Exam board	Locked cupboard Exam office	After completion of all EAR