

The Kimberley School Data Protection Policy (Exams) 2023/24

This policy is reviewed annually to ensure compliance with current regulations

Approved/reviewed by					
Andrew Park					
Date of next review September 2024					

Key staff involved in the policy

Role	Name(s)
Head of centre	Andrew Park
Exams officer	Catrina Gillborn
Exams officer line manager (Senior leader)	Paul Thomas
IT manager	David Newton
Data manager	Paul Thomas (School DPO Kirsty Andrews)

Purpose of the policy

This policy details how The Kimberley 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 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
- Department for Education; Nottinghamshire Local Authority; EMET 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;
- 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.

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

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

All candidates are:

- informed via a Candidate handbook, statement of entry, and exam timetable
- · given access to this policy via the school website

Candidates are made aware of the above at the start of their course of study leading to a vocational qualification, or, where candidates are following GCE and GCSE qualifications, when the entries are submitted to awarding bodies for processing.

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 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
Fortigate 200E	01/08/2019	01/08/2023
HP file server	18/09/2018. Bitdefender Anti-virus installed, backed up daily to onsite backup storage and cloud based Azure storage. 5 years from pure date	
Sims Server	20/02/2021. Bitdefender Anti-virus installed, backed up by schoolicts	
Cloud based storage	Yearly subscription	NA
Windows 10 desktop computer	01/10/2018 Anti-virus is Bitdefender, daily scans and real-time protection. Exams/candidate data is not stored on the local machine.	12 month warranty from purchase date on desktop computers and laptops.

Windows 10 desktop computer	01/10/2018, Anti-virus is Bitdefender, daily scans and real-time protection. Exams/candidate data is not stored on the local machine.	12 month warranty from purchase date on desktop computers and laptops.
Windows 10 laptop x12 HP 250 g7	09/02/2022, anti-virus is bitdefender, Exams/candidate data is not stored on the local machine.	12 month warranty from purchase date on desktop computers and laptops.

Software/online system	Protection measure(s)
Fortigate provides internet access to all networked computers/devices.	Managed by AtomIT, different policy levels for students, staff and IT Support. IT Support only have access to fortigate unit. In a secure physical location.
Elmo-Server 2016 standard, backup software, data stored on local drives, local backup drives and cloud.	Secure areas for storing Exams data and restricted to exams team only. Staff use a 90 day complex password policy. Access request forms must be filled to access the exams data. In a secure physical location. Periodically check the permissions on the Exams/Data folder for review by P Thomas.
Sims-Server 2016 standard, backup software, data stored on local drives, local backup drives and cloud.	In a secure physical location
Microsoft Azure cloud backup	Password protected and only accessible by IT Support.
Windows 10 professional, Office 2016, internet access, sims.net, Sisra, FFT, DFE, AQA, OCR, WJEC, Edxcel	Data is stored on the server and not on the local computer. Workstations have a 3 minute auto lock if unattended
Windows 10 professional, Office 2016, internet access, sims.net, Sisra, FFT, DFE, AQA, OCR, WJEC, Edxcel	Data is stored on the server and not on the local computer. Workstations have a 3 minute auto lock if unattended
Windows 10 professional, bitdefender AV, no internet access for candidates All 12 laptops are configured the same	No personal data is stored on the laptops

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

Kirsty Andrews, Data Protection Lead, will lead on investigating the breach and inform the Trust appointed Data Protection Officer.

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.

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 include:

- password protected area on the centre's intranet
- secure drive accessible only to selected staff
- information held in secure area
- updates undertaken every 12 months (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 Exams archiving policy which is available/accessible from the schools' website.

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 Kirsty Andrews - The Data Protection Officer in email form. However, Photo ID will be required, before any information is shared.

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.

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 Lead 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, The Kimberley 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*.

The Kimberley 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 The Kimberley 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 Kirsty Andrews 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	Any hard copy information kept by the EO relating to an access arrangement candidate.	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 in Exams Office	Secure user name and password In secure office (Exams Office)	To be returned to Sarah Meakin (Centre Assessor) as records owner at end of the candidate's final exam series.
Alternative site arrangements	Any hard copy information generated on an alternative site arrangement. Notifications submitted online via CAP.	Candidate name Candidate DOB Candidate Number Gender Data protection notice (candidate signature) Diagnostic testing outcome(s) Specialist report(s) (may also include candidate address)	Access Arrangements Online SIMS Lockable metal filing cabinet in Exams Office	Secure user name and password In secure office (Exams Office)	To be kept until next exam season.

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
		Evidence of normal way of working			
Attendance registers copies	Any hard copy information generated on an alternative site arrangement. Notifications submitted online via CAP.	Candidate name Candidate Number	Filing Cabinet in Exams Office	Held in Locked Exams Office	Keep signed records of the seating plan, the invigilation arrangements and the centre's copies of the attendance registers for each examination. The awarding bodies may need to refer to these records. You must keep them until the deadline for reviews of marking has passed or until any appeal, malpractice or other results enquiry has been completed, whichever is later [Reference ICE 12, 22]
Candidates' scripts	Any unwanted copies of scripts returned to the centre through the Access to Scripts (ATS) service.	Candidate name Candidate Date of Birth	Filing Cabinet in Exams Office	Held in Locked Exams Office	To be retained securely until the awarding body's earliest date for confidential disposal of unwanted scripts. Where teachers have used copies of candidates' scripts for teaching and learning purposes but no longer wish to retain them, they must ensure that the scripts are disposed of in a confidential manner. [Reference PRS 6]

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
					Ensure that when scripts that have been returned under access to scripts arrangements are no longer required, they are disposed of in a confidential manner, but no earlier than the dates specified by the awarding bodies [Reference GR 3]
					To be logged on return to the centre and immediately returned to subject staff as records owner.
	Non-examination assessment work returned to the centre	Candidate name	Relevant	Locked	To be stored safely and securely along with work that did not form part of the moderation sample (including materials stored electronically)
Candidates' work	by the awarding body at the end of the moderation period.	Candidate Number	Department	Cupboard	Store safely and securely all non-examination assessments, including controlled assessments, coursework or portfolios, retained in, or returned to, the centre until the deadline for a review of moderation has passed or until a review of moderation, an appeal or a malpractice investigation has

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
					been completed, whichever is later. This includes materials stored electronically. See paragraph 4.8 of the JCQ publication Instructions for conducting non - examination assessments https://www.jcq.org.uk/exams-office/non-examination-assessments [Reference GR 3]
Centre consortium arrangements for centre assessed work	Any hard copy information generated or relating to consortium arrangements for centre assessed work. Applications submitted online via CAP.	Candidate name Candidate number Candidate DOB	In locked filing cabinet in Exams Office	Secure filing cabinet in secure room	To be kept until next exam season.
Certificates	Candidate certificates issued by awarding bodies.	Candidate name Candidate Number Candidate DOB	Exams Office	Locked Cupboard	the date of issue [Reference <u>GR</u> 5]
Certificate destruction information	A record of unclaimed certificates that have been destroyed.	Candidate name Candidate number	In locked filing cabinet in Exams Office	Secure filing cabinet in secure room	Distribute certificates to all candidates without delay and regardless of any disputes (such as non-payment of fees). Certificates must not be withheld without prior permission from an awarding body which will only be given

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
					in very exceptional circumstances. A record should be kept of the certificates that are issued
					[Reference <u>GR</u> 5]
Certificate issue information	A record of certificates that have been issued.	Candidate name Candidate Number	Reception	Locked Cupboard	Distribute certificates to all candidates without delay and regardless of any disputes (such as non-payment of fees). Certificates must not be withheld without prior permission from an awarding body which will only be given in very exceptional circumstances. A record should be kept of the certificates that are issued [Reference GR 5]
Conflicts of Interest records	Records demonstrating the management of Conflicts of Interest	Candidate name Candidate Number Candidate DOB	Exams Office Computer	Locked Exams Office	The records may be inspected by a JCQ Centre Inspector and/or awarding body staff. They might be requested in the event of concerns being reported to an awarding body. The records must be retained until the deadline for reviews of marking has passed or until any appeal, malpractice or

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
					other results enquiry has been completed, whichever is later. [Reference <u>GR</u> 5]
Entry information	Any hard copy information relating to candidates' entries.	Candidate name Candidate Number Candidate DOB Gender	SIMS	Secure user name and password	To be kept until next exam season.
Exam room incident logs	Logs recording any incidents or irregularities in exam rooms for each exam session.	Candidate name Invigilator name	In locked filing cabinet in Exams Office	Secure filing cabinet in secure room	To be kept until next exam season.
Invigilator and facilitator training records	Records of training undertaken by Invigilators including date, subject and trainer/facilitator	Invigilator name Trainer facilitator name	In locked filing cabinet in Exams Office	Locked cabinet, secure room	A record of the content of the training given to invigilators must be available for inspection and retained on file until the deadline for reviews of marking has passed or until any appeal, malpractice or other results enquiry has been completed, whichever is later. A record of the content of the training given to invigilators and those facilitating an access arrangement for a candidate under examination conditions must be available

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
					for inspection and retained on file until the deadline for reviews of marking has passed or until any appeal, malpractice or other results enquiry has been completed, whichever is later. [Reference ICE 12, 13]
	JCQ form Timetable variation and				A record of the content of the training given to invigilators must be available for inspection and retained on file until the deadline for reviews of marking has passed or until any appeal, malpractice or other results enquiry has been completed, whichever is later.
Overnight supervision information	confidentiality declaration for overnight supervision for any candidate eligible for these arrangements.	Candidate name Candidate number	In locked filing cabinet in Exams Office	Secure filing cabinet in secure room	A record of the content of the training given to invigilators and those facilitating an access arrangement for a candidate under examination conditions must be available for inspection and retained on file until the deadline for reviews of marking has passed or until any appeal, malpractice or other results enquiry has been completed, whichever is later.

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
					[Reference ICE 12, 13]
Post-results services: confirmation of candidate consent information	Hard copy or email record of required candidate consent	Candidate name Candidate Number	Form held in appeals file in the Exams Office	Locked Exams Office	Consent forms or e-mails from candidates must be retained by the centre and kept for at least six months following the outcome of the clerical re-check or review of marking or any subsequent appeal. The awarding bodies reserve the right to inspect such documentation. This form should be retained on the centre's files for at least six months following the outcome of the clerical re-check, review of marking or any subsequent appeal. This form should be retained on the centre's files for at least six months. [Reference PRS 4, appendix A and B]
Post-results services: requests/outcome information	Any hard copy information relating to a post-results service request (RoRs, appeals, ATS) submitted to an awarding body for a candidate and outcome	Candidate name Candidate Number	Computer Paperwork held in appeals file	Secure user name and password Locked Exams Office	This form should be retained on the centre's files for at least six months following the outcome of the clerical recheck, review of marking or any subsequent appeal.

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
	information from the awarding body.				
Post-results services: scripts provided by ATS service	Any hard copy information relating to a post-results service request (RoRs, appeals, ATS) submitted to an awarding body for a candidate and outcome information from the awarding body.	Candidate name Candidate Number	Computer Paperwork held in appeals file	Secure user name and password Locked Exams Office	This form should be retained on the centre's files for at least six months following the outcome of the clerical recheck, review of marking or any subsequent appeal.
Post-results services: tracking logs	Logs tracking to resolution all post-results service requests submitted to awarding bodies.	Candidate name Candidate Number	Computer Paperwork held in appeals file	Secure user name and password Locked Exams Office	Until next exam season. Or until appeal, malpractice or other results enquiry has been completed
Private candidate information	Any hard copy information relating to private candidates' entries.	Candidate Name Candidate Number Candidate School	In locked filing cabinet in Exams Office	Secure filing cabinet in secure room	To be kept until next exam season starts
Resolving timetable clashes information	Any hard copy information relating to the resolution of a candidate's clash of	Candidate name Candidate Number	SIMS Paperwork held in appeals file	Secure user name and password	To be kept until next exam season starts

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
	timetabled exam papers			Locked Exams Office	
Results information	Broadsheets of results summarising candidate final grades by subject by exam series.	Candidate name Candidate Number Candidate DOB Gender	SIMS SISRA Paperwork held in appeals file	Secure user name and password Locked Exams Office	Records for current year plus previous 6 years to be retained as a minimum.
Seating plans	Plans showing the seating arrangements of all candidates for every exam taken.	Candidate name Candidate Number Access Arrangements	SIMS Paperwork held in appeals file	Secure user name and password Locked Exams Office	Keep signed records of the seating plan, the invigilation arrangements and the centre's copies of the attendance registers for each examination. The awarding bodies may need to refer to these records. You must keep them until the deadline for reviews of marking has passed or until any appeal, malpractice or other results enquiry has been completed, whichever is later. [Reference ICE 12]
Special consideration information	Any hard copy information relating to a special consideration request and supporting evidence submitted to	Candidate name Candidate Number	Computer Paperwork held in appeals file	Secure user name and password Locked Exams	Where a candidate is present but disadvantaged for a timetabled written examination a proportion of cases will be sampled by an awarding body for quality

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
	an awarding body for a candidate.			Office	assurance purposes. A centre may be asked by an awarding body to provide signed evidence, produced by a member of the senior leadership team, in support of an application. The centre must retain evidence supporting an on-line special consideration application until after the publication of results. Where a candidate is absent from an examination for an acceptable reason a proportion of cases will be sampled by an awarding body for quality assurance purposes. A centre may be asked by an awarding body to provide signed evidence, produced by a member of the Senior Leadership Team, in support of an application. The centre must retain evidence supporting a candidate's absence from an examination until after the publication of results.
					[Reference SC 6]

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
Suspected malpractice reports/outcomes	Any hard copy information relating to a suspected or actual malpractice investigation/report submitted to an awarding body and outcome information from the awarding body.	Candidate name Candidate Number	Computer Paperwork held in appeals file	Held by Head of Centre	To be retained until after the deadline for EARs or until any appeal, malpractice or other results enquiry has been completed, whichever is later.
Transferred candidate arrangements	Any hard copy information relating to a transferred candidate arrangement. Applications submitted online via CAP.	Candidate name Candidate Number	Computer Paperwork held in appeals file	Secure user name and password Locked Exams Office	To be retained until the transfer arrangements are confirmed by the awarding body.
Very late arrival reports/outcomes	Any hard copy information relating to a candidate arriving very late to an exam. Reports submitted online via CAP.	Candidate name Candidate Number	Computer Paperwork held in appeals file	Secure user name and password Locked Exams Office	Until next exam season or until appeal, malpractice or other results enquiry has been completed.