



Data Protection Policy (Exams) 2023-24

Unity Academy Blackpool

Centre Name	Unity Academy Blackpool
Centre Number	46427
Date policy first created	Autumn 2022
Current policy approved by	Stephen Cooke
Current policy reviewed by	Ellie Baron
Date of next review	Autumn 2024

Key Staff involved in the policy

Role	Name
Head of Centre	Stephen Cooke
Senior Leader	Rebecca Lemar
Exams and Data Officer	Ellie Baron
IT Manager	Michael Ainsworth

This policy is reviewed annually to ensure compliance with current regulations

Purpose of the policy

This policy details how Unity Academy Blackpool, 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 officer 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 (JCQ)
- Department for Education (DfE)
- Fylde Coast Academy Trust (FCAT)

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

- hard copy
- email
- secure extranet sites(s) - AQA Centre Services, OCR Interchange, Pearson Edexcel Online, NCFE Portal, WJEC Secure Website
- Management Information System (MIS) provided by ESS SIMS
- Electronic Data Interchange (EDI) using A2C

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

Unity Academy Blackpool ensures that candidates are fully aware of the information and data held.

All candidates are:

- given access to this policy via the school website

Candidates are made aware of the above when registrations and entries are made for qualifications.

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 applications for access arrangements can be processed online.

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 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

Mr P Montgomery (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 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.

Information audits and reviews are conducted regularly to test privacy measures and to ensure compliance.

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 undertaken (this may include updating antivirus software, firewalls, internet browsers etc.)

Section 6 - Data retention periods

Records are kept in accordance with the requirements of JCQ guidelines

Section 7 - Access to information

(With reference to ICO information: <https://ico.org.uk/for-the-public/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 Ellie Baron (Exams and Data Officer) via email. If a former candidate is unknown to current staff, ID will be required to confirm the candidate's identity.

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 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 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
<https://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 <https://www.gov.uk/guidance/school-reports-on-pupil-performance-guide-for-headteachers>

Pupil exam results

When considering publishing exam results, Unity Academy Blackpool will make reference to the ICO (Information Commissioner's Office) <https://ico.org.uk/for-the-public/schools/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		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	SIMS School Drive Any hard copy information is kept by the EO and SENCO in a secure location	Secure username and password In secure office (SENCO and EO)	Refer to SENCO
Alternative site arrangements	Any hard copy information generated about an alternative site arrangement Notifications submitted online via CAP	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	School drive CAP/SIMS Hard copy information kept by EO in secure location	Secure user name and password	
Attendance register copies	Attendance register to be retained with EO	Candidate name Candidate DOB Gender	To be retained with EO SIMS Awarding bodies	Secure username	To be kept until the deadline for reviews of marking 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
		Candidate Exam number		and password In EO secure office Sent by secured mail to Awarding bodies	passed or until any appeal, malpractice or other results enquiry has been completed, whichever is later. Confidential disposal
Candidates' scripts		Candidate name Candidate DOB Gender Candidate Exam number	To be retained with EO Any unwanted copies of scripts returned to the centre through ATS service	Secure username and password In secure office (EO)	To be retained securely until the awarding body's earliest date for confidential disposal of unwanted scripts. Confidential disposal
Candidates' work		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	School drive SIMS Awarding bodies	Secure username and password Sent by secured mail to Awarding bodies	To be stored safely and securely along with work that did not form part of the moderation sample (including materials stored electronically) until after the deadline for EARs or the resolution of any

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
					outstanding enquiry/appeal or malpractice investigations for the exam series. Returned to candidates or safe disposal.
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 DOB Gender Candidate Exam Number	School drive CAP SIMS	Secure username and password	
Certificates	Candidate certificates issued by awarding bodies.	Candidate name Candidate DOB Gender Candidate exam number	To be retained with EO	In secure office (EO)	Any certificates not claimed within 12 months of issue will be returned to the awarding body or destroyed by a

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
	Received by EO and issued to students on GCSE presentation evening or as requested by student.				secure method as per JCQ guidelines
Certificate destruction information	A record of unclaimed certificates that have been destroyed	Candidate name Candidate DOB Gender Candidate exam number	To be retained with EO School drive	In secure office (EO) Secure username and password	To be retained for 4 years from the date of certificate destruction Confidential destruction
Certificate issue information	A record of certificates that have been issued	Candidate name Candidate DOB Gender Candidate exam number	To be retained with EO School drive Awarding bodies	In secure office (EO) Secure username and password	To be kept secure with remaining certificates Confidential destruction
Conflicts of interest records	Records demonstrating the management of Conflicts of Interest	Candidate name Candidate DOB Gender Data protection notice (candidate signature) Diagnostic testing outcome(s)	To be retained with EO	In secure office (EO)	To be retained in the Secure Storage until after the deadline for EARs or until any appeal, malpractice or other results

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
		Specialist report(s) (may also include candidate address) Evidence of normal way of working			enquiry has been completed, whichever is later.
Entry Information	Any hard copy information relating to candidates' entries	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	To be retained with EO School drive SIMS Awarding bodies	Secure username and password In secure office (EO)	To be retained in the EO office until after the deadline for EARs or until any appeal, malpractice or other results enquiry has been completed, whichever is later.
Exam room incident logs	Logs recording any incidents or irregularities in exam rooms for each exam session	Candidate name Gender Candidate exam number	To be retained with EO	In secure office (EO)	To be retained in the EO office until after the deadline for EARs or until any appeal, malpractice or other results enquiry has been completed, whichever is later.
Invigilator and facilitator training records		Invigilator name Invigilator DOB Gender Confidentiality form References	To be retained with EO School drive Training providers website	Secure username and password	A record of the content of the training given to invigilators must be available for

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 secure office (EO)	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	JCQ Form Timetable variation and confidentiality declaration for overnight supervision for any candidate eligible for these arrangements	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	SIMS School drive Any hard copy information is kept by EO in secure office	Secure username and password In secure office (EO)	To be retained for JCQ inspection purposes for the relevant exam series Confidential destruction
Post-results services: confirmation of candidate consent information	Hard copy or email record of candidate consent for an EAR or ATS request to be submitted to an awarding body	Candidate name Gender Candidate exam number	School drive Any hard copy information is kept by the EO in secure location	In secure office (EO) Secure username and password	EAR consent to be retained for at least six months following the outcome of the enquiry 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
					ATS consent to be retained for at least six months from the date consent is given Confidential disposal
Post-results services: requests/outcome information	Any hard copy information relating to a post-results service request (EARs, appeals, ATS) submitted to an awarding body for a candidate and outcome information from the awarding body	Candidate name Gender Candidate exam number	School drive Any hard copy information is kept by the EO in secure location	In secure office (EO) Secure username and password	To be retained in the EO office until after the deadline for EARs or until any appeal, malpractice or other results enquiry has been completed, whichever is later. Confidential disposal
Post-results services: scripts provided by ATS service	Logs tracking to resolution all post-results service requests submitted to awarding bodies	Candidate name Gender Candidate exam number	School drive Any hard copy information is kept by the EO in secure location	In secure office (EO) Secure username and password	Where copies of scripts are retained by the centre, they must be securely stored (including any electronic versions) until they are no longer required

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
Resolving timetable clashes information	Any hard copy information relating to the resolution of a candidate's clash of timetabled exam papers	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	School drive Any hard copy information is kept by the EO in secure location	In secure office (EO) Secure username and password	Where copies of timetable clashes are retained by the centre, they must be securely stored until they are no longer required Confidential disposal
Results information	Broadsheets of results summarising candidate final grades by subject by exam series	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	SIMS School drive Any hard copy information is kept by the EO in secure location	In secure office (EO) Secure username and password	Records for current year plus previous 6 years to be retained as a minimum which are available on the school software system
Seating plans	Plans showing the seating arrangements of all candidates for every exam taken	Candidate name Gender Candidate exam number	SIMS School drive Any hard copy information is kept by the EO in secure location	In secure office (EO) Secure username and password	To be retained in the EO office until after the deadline for EARs or until any appeal, malpractice or other results enquiry has been

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
					completed, whichever is later. Confidential disposal
Special consideration information	Any hard copy information relating to a special consideration request and supporting evidence submitted to an awarding body for a 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	SIMS School Drive Any hard copy information is kept by the EO in secure location	In secure office (EO) Secure username and password	To be retained in the EO office until after the deadline for EARs or until any appeal, malpractice or other results enquiry has been completed, whichever is later.
Suspected malpractice reports/outcomes	Any 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 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	SIMS School Drive Any hard copy information is kept by the EO in secure location Awarding bodies	In secure office (EO) Secure username and password	To be retained in the EO office until after the deadline for EARs or until any appeal, malpractice or other results enquiry has been completed, whichever is later.
Transferred candidate arrangements		Candidate name Candidate DOB	SIMS School Drive	In secure office (EO)	To be retained until the transfer

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
		Gender Data protection notice (candidate signature) Diagnostic testing outcome(s) Specialist report(s) (may also include candidate address) Evidence of normal way of working	Any hard copy information is kept by the EO in secure location Awarding bodies	Secure username and password	arrangements are confirmed by the awarding body
Very late arrival reports/outcomes		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	SIMS School Drive Any hard copy information is kept by the EO in secure location Awarding bodies	In secure office (EO) Secure username and password	To be retained in the EO office until after the deadline for EARs or until any appeal, malpractice or other results enquiry has been completed, whichever is later. Confidential destruction.