



# General Data Protection Regulation policy (exams)

## 2018/19

This policy is annually reviewed to ensure compliance with current regulations

Approved/reviewed by	
Gail Elms – Chair of Governors	
Date of next review	March 2020

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**GDPR policy (exams) template (2018/19)**

Hyperlinks provided in this document were correct as at October 2018

## Key staff involved in the General Data Protection Regulation policy

<b>Role</b>	<b>Name(s)</b>
Head of centre	<b>ANDREW CONROY</b>
Exams officer	<b>JULIE A GREEN</b>
Exams officer line manager (Senior Leader)	<b>PAM FOY</b>
Data Protection Officer	<b>TRACEY HALL</b>
IT manager	<b>STEVE BOLLAND</b>
Data manager	<b>TRACEY HALL</b>

## Purpose of the policy

This policy details how Werneth 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 Werneth School 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
- ▶ Any other organisations as relevant to our centre e.g. Department for Education; Local Authority; Multi Academy Trust; Consortium; the Press; etc.

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 services; City & Guilds Walled Garden; etc.
- ▶ 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.

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## Section 2 – Informing candidates of the information held

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

All candidates are:

- ▶ informed via Exam information booklet
- ▶ given access to this policy via Werneth School's website

Candidates are made aware of the above prior to the exam series leading to an externally accredited qualification

**Produced on behalf of: AQA, City & Guilds, CCEA, OCR, Pearson and WJEC**  
**Information for candidates – Privacy Notice**  
**General and Vocational qualifications**  
**Effective from 1 September 2017**

The JCQ awarding bodies will process your personal data in accordance with the Data Protection Act 1998, and from when it comes into force the General Data Protection Regulation, and any regulatory requirements as specified by the qualification regulators of England, Wales, Northern Ireland and Scotland.

**Correspondence on any aspect of a candidate's examination or assessment will only be conducted between the awarding body and the head of the centre, a member of the senior leadership team or the examinations officer.**

Awarding bodies will undertake the following administrative activities in relation to the processing and exchange of candidates' personal data:

1. Personal data relating to the name(s), date of birth, gender, Unique Candidate Identifier (UCI) or Unique Learner Number (ULN) of an individual candidate will always be collected by an awarding body for the purposes of examining and awarding qualifications. In some cases additional information, which may include sensitive personal data relating to health, will also be collected to support requests for access arrangements and reasonable adjustments and/or special consideration. Such personal data will be supplemented by the results of examinations and assessments undertaken by the respective candidate.
2. A candidate's personal data will only be collected from registered examination centres in the context of examination entries and/or certification claims.
3. Such data collected will not be used by an awarding body other than for examination administration purposes, conducting examinations and assessments and the issuing of examination results and certificates. Candidates' personal data including examination results and outcomes of any reviews of marking, reviews of moderation and appeals may be shared by the awarding body with the centre which entered the candidates, as well as within a consortium or Academy Trust of which the centre is a member.

4. Personal data within candidates' work will be collected and processed by an awarding body for the purposes of marking, issuing of examination results and providing candidates with access to post-results services. Examination results will be retained for a minimum of forty years.

In order for an awarding body to achieve this, some personal information may be transferred to third parties such as examiners, who may in some instances, reside outside the European Economic Area.

5. Awarding bodies may be required to provide a candidate's personal data to educational agencies such as DfE, WG, DE, The Skills Funding Agency, regulators, HESA, UCAS, Local Authorities, EFA and Learning Records Service (LRS). Additionally, candidates' personal data may be provided to a central record of qualifications approved by the awarding bodies for statistical and policy development purposes.

6. Some of the information candidates supply will be used by the Skills Funding Agency to fulfil its statutory functions, issue/verify a candidate's Unique Learner Number (ULN) and update/check a candidate's Personal Learning Record. The Skills Funding Agency may share a candidate's ULN and Personal Learning Record with other education related organisations, such as a careers service, a candidate's school or college, Government Departments and public bodies responsible for education. Further details of how information is processed and shared can be found at: <http://www.learningrecordsservice.org.uk/>

6. Awarding bodies are obliged to confirm what personal data is held, what it is held for, to whom the data is to/may be disclosed to, and disclose the information that they hold about data subjects, (e.g. the candidates) within 40 days of receiving a formal request for disclosure, subject to the application of any relevant exemptions under the Data Protection Act 1998.

Candidates should make an application to the appropriate awarding body's data protection officer. Awarding bodies may charge a fee for this service.

7. If you have not reached the age of 16, you may first wish to discuss this Privacy Notice with your parent or carer. Awarding bodies, schools, Department for Education (DfE), Welsh Government (WG), Department of Education Northern Ireland (DE), Local Authorities, regulators, Ofsted, and Skills Funding Agency (SFA) are all 'data controllers' under the Data Protection Act 1998. They will determine the purpose(s) for which 'personal data' (information about living individuals from which they can be identified) is processed and the way in which that processing is undertaken.

It is a requirement for data controllers to provide data subjects (individuals who are the subject of personal data) with details of who they are, the purposes for which they process the personal data, and any other information that is necessary to make the processing

### 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.

#### **THIS SECTION NEEDS TO BE FILLED IN BY SBO**

Hardware	Date of purchase and protection measures	Warranty expiry
The Examination System is accessed using a single RM Network Work Station (Net Name SIMMS Manager)	Purchase Date Jan 2013 Make and Model 214 Running Windows 10 Virus Protection System Trend Micro Supported By RM Computers. (Subscription Product With Dailey Scheduled Auto Scans. administrated by The Network Manager.	Covered by RM Warranty and Supported by RM Service Agreement.
Sims Server (Virtual Set up)	Server Was Commissioned 2014 OS Server 2012 Release 2.  Virus Protection System Trend Micro Supported By RM Computers. (Subscription Product With Dailey Scheduled Auto Scans. administrated by The Network Manager.  Back Up System. Backup Exec Version 2014. Back up Disk To Disk To tape. Auto Scheduled.	Covered by RM Warranty and Supported by RM Service Agreement.

Software/online system	Protection measure(s)
SIMS SMS	All Servers are backed up on a Dailey Basis. Back Up System. Backup Exec Version 2014. Back up Disk To Disk To tape. Auto Scheduled.  All Systems are Firewallled by A Smooth Wall Appliance.  Internet Services Are Monitored By Securus Appliance and Monitored real Time By Visigo Subscription
[Insert each as a new row in the table. Examples might include: MIS; Intranet; Internet browser(s); Awarding body secure extranet site(s); A2C; etc.	The School has a strict Network Password Policy. All passwords have a 90 day life cycle and cannot be repeated. Passwords must be a minimum of six characters that are a mixture upper and lowercase letters, including a number and at least one punctuation mark.  Only Eservices can generate and user account for the network system.  Only the SIMS Manager can generate and administer a SIMS Account.  All staff are required to fill in a User generation Policy and Adhere to The School AUP.

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SIMS SMS	SIMS is used by the SIMS manager to populate data and in her daily routine. She is the only member of Werneth School to have admiration right to this system.  SIMS is supported by the Stockport LEA SIMS Support Team AAS A Buy Back Service.
Internet Explorer Edge	This is the Browser that is default on the SIMS Manager Machine., All internet traffic is filtered and monitored. By The Systems Listed Above.

## 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

Data Containment and recovery is dealt with by a number of Staff at Werneth School. Mrs T Hall is the Data Protection Officer and ensures that systems are in place for the safe collection and use of data in school

Mrs J Green is the Sims Officer who is responsible for ensuring that data is populated accurately and used for its intended purpose. She is the only member of Werneth School that has administration rights to the SIMS Systems.

Mr S Bolland, R Harte and J Plant are the Eservices and will deal with any technical issues surrounding issues with the Implementation of Data storage systems, Back Up and recovery of data. They will only carry out this at the sanctioned presentation of the correct documentation. Each issue will be dealt with on an individual basis and this will influence:

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. This type of incident it would be dealt with by the E Services Team.

- ▶ which authorities, if relevant, need to be informed. In this type of incident staff would be informed on a need to know basis depending on the level of incident that has occurred.

## **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 each year.

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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
- ▶ updates undertaken every six 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 Werneth School website.

## Section 7 – Access to information

Current and former candidates can request access to the information/data held on them by making a **subject access request** to Tracey Hall, the Data Protection Officer in writing/email. ID will need to be confirmed if a former candidate is unknown to current staff. All requests will be dealt with within 40 calendar days.

### 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). Werneth's Data Protection Officer will confirm the status of these agreements and approve/reject any requests.

### Publishing exam results

When considering publishing exam results, Werneth School will make reference to the ICO (Information Commissioner's Office) Education and Families <https://ico.org.uk/for-organisations/education/> information on *Publishing 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	Online access arrangement application form from JCQ	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 secure area solely assigned to exams	<b>One year following their GCSE exams</b>
Attendance registers copies		Candidate name	Lockable metal filing cabinet	In secure area solely assigned to exams	<b>One year following their GCSE exams</b>
Candidates' scripts		Candidate name	Lockable metal filing cabinet until collection by Parcel Force	In secure area solely assigned to exams	<b>Usually no more than 24hrs</b>
Candidates' work		Candidate name Candidate DOB	Subject room – secure storage	In secure area solely assigned to subject	<b>Until end of RORs period</b>
Certificates		Candidate name Candidate DOB	Lockable store cupboard		<b>two years</b>

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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
Certificate destruction information	.	Candidate name Candidate DOB	Destroyed on site, by confidential waste company (Shredit)	Overseen by Premises staff	After two years
Certificate issue information		Candidate name		In secure area solely assigned to exams	Five years
Entry information		Candidate name Vehicle Reg (where applicable)		Inventory system	
Exam room incident logs		Candidate name		In secure area solely assigned to exams	One year following their GCSE exams
Invigilator and facilitator training records		Invigilator names		In secure area solely assigned to exams	One year following their GCSE exams
Overnight supervision information				n/a	n/a
Post-results services: confirmation of candidate consent information		Candidate name		In secure area solely assigned to exams	One year following their GCSE exams
Post-results services: requests/outcome information		Candidate name		In secure area solely assigned to exams	One year following their GCSE exams
Post-results services: scripts provided by ATS service		Candidate name		In secure area solely assigned to exams	One year following their GCSE exams

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<b>Information type</b>	<b>Information description (where required)</b>	<b>What personal/sensitive data is/may be contained in the information</b>	<b>Where information is stored</b>	<b>How information is protected</b>	<b>Retention period</b>
Post-results services: tracking logs		Candidate name		In secure area solely assigned to exams	<b>One year following their GCSE exams</b>
Private candidate information		Candidate name		n/a	n/a
Resolving timetable clashes information		Candidate name		In secure area solely assigned to exams	<b>One year following their GCSE exams</b>
Results information		Candidate name		In secure area solely assigned to exams	<b>One year following their GCSE exams</b>
Seating plans		Candidate name		In secure area solely assigned to exams	<b>One year following their GCSE exams</b>
Special consideration information		Candidate name		In secure area solely assigned to exams	<b>One year following their GCSE exams</b>
Suspected malpractice reports/outcomes		Candidate name Invigilator name		In secure area solely assigned to exams	<b>One year following their GCSE exams</b>
Transfer of credit information				n/a	n/a
Transferred candidate arrangements		Candidate name		In secure area solely assigned to exams	<b>One year following their GCSE exams</b>

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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
Very late arrival reports/outcomes		Candidate name Invigilator name		In secure area solely assigned to exams	One year following their GCSE exams