Bath Academy Data Protection Policy (Exams) 2020-2021

This publication reviewed annually to ensure compliance with current regulations

Review Period	Staff	Date Current Policy
Annually	Vice Principal (Academic) & EO	Sept 2020
	VP(A) EO	

Key staff involved in the policy

Role	Name(s)
Principal/Head of Centre	**Tim Naylor**
Senior Leaders	**Liam Hocking, James Knott**
Exams Officer	**Jan Whittaker**
IT Manager	**Philip Becker**
Data Manager	**Laura Willmington**

Purpose of the policy

This policy details how Bath Academy, 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 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 – 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; Independent Schools Council; Local Press

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; CIE Direct secure site]
- Management Information System (MIS) provided by ISAMS 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

Bath academy ensures that candidates are fully aware of the information and data held.

All candidates are given access to this policy via link on Bath Academy website

Candidates are made aware of the above within the first half-term of each academic year

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 – 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 every three years.

The table below details the type of candidate exams-related information held, and how it is managed, stored and protected

Candidate Details	Stored	Managed	Protected
Name Candidate Number UCI Number Candidate Exam Entries Details	Electronically on ISAMS, Exam registers, seating plans, EAA registers and hardcopies of the above produced as/when necessary to run examinations	Stored/Deleted on ISAMS in line with whole school Data Protection/Archiving Policies Hardcopies of Exam Data is destroyed annually following the deadline for all Reviews of results/appeals information received from awarding bodies	All data on ISAMS/BA Intranet is only accessible to Bath Academy Personnel in the following ways: • password protected area on the centre's intranet • secure drive accessible only to selected staff • information held in secure area
Exam Access Arrangement (EAA) Information	Electronically on EO laptop, hard copies in EO file and invigilation files for exams	Deleted/returned to SENCo once candidate has left Bath Academy in line with Exam Records management policy	Exam laptop is password protected, hard copies only in use by exam staff during actual exam periods
Candidate Results	Downloaded electronically and stored on ISAMS Hardcopies printed for individual candidates, SMT and subject co-ordinators. Anonymous results information supplied to ISC and local press, candidate's permission will be sought before any named results information is given out to the press. Candidates will be informed prior to named results given out to those with a legal right to named result information	Stored/Deleted on ISAMS in line with whole school Data Protection/Archiving Policies Hard copies of annual results are kept in the exams office	All data on ISAMS/BA Intranet is only accessible to Bath Academy Personnel in the following ways: • password protected area on the centre's intranet • secure drive accessible only to selected staff • information held in secure area
Candidate Scripts	Not stored by EO given directly to candidate/teaching staff as required	given directly to candidate/teaching staff as required	
Candidate Post Results requests information	Saved on exam laptop Hard copies in EO file	Deleted/confidentially shredded once deadline for return of post results has passed in line with Exam Records management policy	Exam laptop is password protected Hard copies in locked cabinet in EO Office
Candidate Special Consideration Application Information	Saved on exam laptop Hard copies in EO file	Deleted/confidentially shredded once deadline for return of post results has passed in line with Exam Records management policy	Exam laptop is password protected Hard copies in locked cabinet in EO Office

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 at least every month
- (this may include updating antivirus software, firewalls, internet browsers etc.)

Section 4 – 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 Bath Academy's centre's Exams Records management policy] which is available/accessible from Bath Academy Intranet S drive/Exams/…….. Hard copy in file in EO's office.

Section 5 – 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 EO and/or the Data Protection Officer in writing/email.
ID will need to be confirmed by passport/driving licence or other form of photo ID if a former candidate is unknown to current staff.

The GDPR does not specify an age when a child can request their exam results or request that they aren't published. When a child makes a request, those responsible for responding should take into account whether:
- the child wants their parent (or someone with parental responsibility for them) to be involved; and
- the child properly understands what is involved.

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

Bath Academy will only share candidates' exam information with parents with due regard to the following legislation and guidance; candidates will be informed prior to any such sharing.

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, Bath Academy 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.)

Bath Academy publishes anonymous exam results to the Independent Schools Commission following the summer examinations.

Bath Academy may also make local press statements regarding our summer exam results but will not name any candidate without their prior permission.

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**)
See also Exam Records management policy

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
Exam Access arrangements (EAAs) information	Information held to establish student's eligibility for use of specific exam arrangements.	Candidate name, number, DoB, Gender, DPN, specialist report, medical evidence, other work evidence, exam details	Access Arrangements Online MIS/exam laptop Lockable filing cabinet Lockable filing cabinet	Secure user name and password In secure office (SENCo) In secure office (Exams)	All EAA information/forms should be returned to SENCo/students when they leave Bath Academy Any paper copies held by Exam Office will be shredded at the same time.
Alternative site arrangements	Required if exams need to be moved from Chapel Row building		Lockable metal filing cabinet Electronically on exam laptop	In secure office (Exams) Secure user name & password	Retained until deadline for a review of results/ moderation has passed or until a review of results/ moderation, an appeal or a malpractice investigation has been completed, whichever is later
Attendance registers copies	Produced by MIS for use in exam rooms	Candidate name, number	Lockable metal filing cabinet Electronically on exam laptop	In secure office (Exams) Secure user name & password	Retained until deadline for a review of results/ moderation has passed or until a review of results/ moderation, an appeal or a malpractice investigation 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
Candidates' scripts	Live Exam papers	Candidate name, number, signature, exam responses	In exam secure storage	Secure room, limited key holders	Minimum time until scripts can be despatched to awarding body
Candidates' work	NEA work kept securely by teaching staff	Candidate name, number, signature	In secure storage by subject teachers	In accordance with JCQ NEA 4.8 in secure storage by subject teachers	Retained until deadline for a review of results/ moderation has passed or until a review of results/ moderation, an appeal or a malpractice investigation has been completed, whichever is later
Centre consortium arrangements for centre assessed work	n/a	n/a	n/a	n/a	n/a
Certificates	Received following every exam series	Candidate name, number, UCI No.,DoB, exam results	In secure storage room in exam office	Secure room, limited key holders	Collected/posted to candidates. Retain uncollected certificates for minimum 12 months, then may be confidentially destroyed
Certificate destruction information		Candidate name, number, UCI No.,DoB, exam results	Lockable metal filing cabinet Electronically on exam laptop	In secure office (Exams) Secure user name & password	5 years after the pupil is at school.
Certificate issue information		Candidate name, number, UCI No.,DoB, exam results	Lockable metal filing cabinet Electronically on exam laptop	In secure office (Exams) Secure user name & password	5 years after the pupil is at school.

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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
Conflicts of Interest records	Required annually by JCQ	Staff name, relative names, DOBs, exam information	Lockable metal filing cabinet Electronically on exam laptop	In secure office (Exams) Secure user name & password	Retained until deadline for a review of results/ moderation has passed or until a review of results/ moderation, an appeal or a malpractice investigation has been completed, whichever is later
Entry information	Required every exam series	Candidate name, number, exam details	Lockable metal filing cabinet Electronically on exam laptop	In secure office (Exams) Secure user name & password	Retained until deadline for a review of results/ moderation has passed or until a review of results/ moderation, an appeal or a malpractice investigation has been completed, whichever is later
Exam room incident logs	Record of any unusual occurrences in exam room/s	Candidate name/s, number/s, invigilator name/s. Details of exam incident	Lockable metal filing cabinet	In secure office (Exams)	Retained until deadline for a review of results/ moderation has passed or until a review of results/ moderation, an appeal or a malpractice investigation has been completed, whichever is later
Invigilator and facilitator training records	Records required by JCQ	Invigilator facilitator names, addresses, contact details, training details	Lockable metal filing cabinet Electronically on exam laptop	In secure office (Exams) Secure user name & password	Keep until no longer employed or for at least 3 years whichever is longer

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
Overnight supervision information	Required if candidate has clash of 3 or more exams on same day – need to move an exam to later date	Candidate name, number, place of residence, supervisors name, relationship to candidate	Lockable metal filing cabinet Electronically on exam laptop	In secure office (Exams) Secure user name & password	Retained until deadline for a review of results/ moderation has passed or until a review of results/ moderation, an appeal or a malpractice investigation has been completed, whichever is later
Post-results services: confirmation of candidate consent information	Requested by candidate as/ when necessary	Candidate name, number, signature, exam details	Lockable metal filing cabinet	In secure office (Exams)	Retained until deadline for a review of results/ moderation has passed or until a review of results/moderation, an appeal or a malpractice investigation has been completed, whichever is later
Post-results services: requests/outcome information		Candidate name, number, signature, exam details	Lockable metal filing cabinet Electronically on exam laptop	In secure office (Exams) Secure user name & password	Internal exam records permanently amended accordingly Retained for 6 months following the deadline for a review of results/ moderation has passed or until a review of results/ moderation, an appeal or a malpractice investigation 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
Post-results services: scripts provided by ATS service	Requested by candidates as/when necessary or by teaching staff (with candidates written permission) to use to inform teaching & learning	Candidate name, number, signature, exam responses	Given directly to candidates or teaching staff	Teaching staff keep in locked storage	To be retained securely until the awarding body's earliest date for confidential disposal of unwanted scripts, or no longer needed by staff – then to be shredded
Post-results services: tracking logs	Compiled by EO as/when necessary	Candidate name number, exam details	Lockable metal filing cabinet Electronically on exam laptop	In secure office (Exams) Secure user name & password	Retained for 6 months following the deadline for a review of results/ moderation has passed or until a review of results/ moderation, an appeal or a malpractice investigation has been completed, whichever is later
Private candidate information	Registration forms received before exam series	Candidate name, number, UCI No, address, contact details, exam details, any EAA evidence & requirements, DPN	Lockable metal filing cabinet Electronically on exam laptop	In secure office (Exams) Secure user name & password	Retain until candidate no longer wants to remain registered with Bath Academy or for at least 6 months following publication of results
Resolving timetable clashes information	EO to do when necessary before each exam series	Candidate name, number, exam details	MIS, exam laptop On timetables for use during exam period	Secure user name & password In exam office/rooms only	Retained until deadline for a review of results/ moderation has passed or until a review of results/ moderation, an appeal or a malpractice investigation has been completed, whichever is later

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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
Results information	Downloaded by EO following each exam series	Candidate name number, UCI, DoB, exam results	Lockable metal filing cabinet Electronically on exam laptop/MIS	In secure office (Exams) Secure user name & password	5 years after the pupil is at school.
Seating plans	Produced by EO for each exam series	Candidate name, number, exam details, EAA details	MIS, exam laptop On timetables for use during exam period	Secure user name & password In exam office/rooms only	Retained until deadline for a review of results/ moderation has passed or until a review of results/ moderation, an appeal or a malpractice investigation has been completed, whichever is later
Special consideration information	Produced by candidates/invigilators if when necessary following exams	Candidate name, number, invigilator name, exam details, exam incident details, possible candidate medical/other supporting evidence/information	Lockable metal filing cabinet Electronically on exam laptop	In secure office (Exams) Secure user name & password	Retained until after publication of results
Suspected malpractice reports/outcomes	Produced by Principal/ EO/invigilators if when necessary following exams Outcomes downloaded by EO	Candidate name/s, number/s, invigilator name, exam details, exam incident details, possible other supporting evidence/information	Lockable metal filing cabinet Electronically on exam laptop	In secure office (Exams) Secure user name & password	Retained until deadline for a review of results/ moderation has passed or until a review of results/ moderation, an appeal or a malpractice investigation has been completed, whichever is later

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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
Transferred candidate arrangements	Organised by EOs of both establishments through JCQ portal	Candidates name, exam no, exam details	Electronically on exam laptop	Secure user name & password	Retained until deadline for a review of results/ moderation has passed or until a review of results/ moderation, an appeal or a malpractice investigation has been completed, whichever is later
Very late arrival reports/outcomes	Required if candidate very late for exam	Candidates name, exam no, exam details, any accompanying evidence/statements	Lockable metal filing cabinet Electronically on exam laptop	In secure office (Exams) Secure user name & password	Retained until deadline for a review of results/ moderation has passed or until a review of results/ moderation, an appeal or a malpractice investigation has been completed, whichever is later