



# Braidwood School

## Data Protection and Archiving Policy (exams) 2022-2023

This plan is reviewed annually to ensure compliance with current regulations

Approved/reviewed by	
Date of next review	

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## Purpose of the policy

This policy details how Braidwood Trust School for the Deaf, 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
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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 – Candidate information, audit and protection measures*.

Candidates' exams-related data may be shared with the following organisations:

- Awarding bodies
- Joint Council for Qualifications

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; Ascentis Quartz
- Capita SIMS

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**

Braidwood Trust School for the Deaf ensures that candidates are fully aware of the information and data held.

All candidates are:

- given access to this policy via the centre website
- signposted to policy via school newsletter

Candidates are made aware of the above at the start of their course of study leading to an externally accredited qualification.

At this point, the centre also brings to the attention of candidates the annually updated JCQ document Information for candidates – Privacy Notice which explains how the JCQ awarding bodies process their personal data in accordance with the DPA 2018 and 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
Desktop computer	November 2022 Sophos Antivirus Password protected	October 2027
Server	July 2019 Locked room Sophos Antivirus	July 2024

Software/online system	Protection measure(s)
SIMS	Protected usernames and passwords SIMS Manager approves creation of new user accounts and sets appropriate access rights. ICT Manager ensures Firewall/Antivirus software is updated when required
Google Drive	Two factor login ICT Manager ensures Firewall/Antivirus software is updated when required
Edexcel/Pearson online	Protected usernames and passwords for Exams officer and subject teachers
E-AQA secure portal	Protected usernames and passwords for Exams officer
AQA Centre Services	Protected usernames and passwords for Exams officer and subject teachers
NCFE secure website	Protected usernames and passwords for Exams officer and subject teachers
Signature secure portal	Protected usernames and passwords for Exams officer
OCR secure portal	Protected usernames and passwords for Exams officer and subject teachers
Ascentis	Protected usernames and passwords for Exams officer and subject teachers
Access Arrangements online	Protected usernames and passwords for Exams officer, SENCO and SLT
Arts Awards	Protected usernames and passwords for Exams officer and subject teachers

## **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:

### **Containment and recovery**

Monica Lewis, School Business Manager, 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

### **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?

### **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.

### **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 may include:

- password protected area on the centre's intranet
- secure drive accessible only to selected staff
- information held in secure area
- updates undertaken regularly (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 records management guidelines which are available from Monica Lewis

## Section 7 – Access to information

Created 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 Monica Lewis, in writing and ID will need to be confirmed if a former the 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.

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 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.

Current and former candidates can request access to the information/data held on them by making a **subject access request** to Monica Lewis, School Business Manager, in writing or email. The former candidate will be required to confirm their identity.



### Third party access

Permission should be obtained before requesting personal information on another individual from a third-party organisation. Candidates' personal data will not be shared with a third party unless a request is accompanied with permission from the candidate and appropriate evidence (where relevant), to verify the ID of both parties, provided.

In the case of looked-after children or those in care, agreements may already be in place for information to be shared with the relevant authorities (for example, the Local Authority). The centre's Data Protection Officer will confirm the status of these agreements and approve/reject any requests.

### Sharing information with parents

The centre will take into account any other legislation and guidance regarding sharing information with parents 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](http://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](http://www.gov.uk/guidance/school-reports-on-pupil-performance-guide-for-headteachers)

### Publishing exam results

When considering publishing exam results, the Braidwood 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*.

Braidwood School may publish exam results to the media or within the centre 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 Braidwood 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 Karen Saywood, Head of Centre, 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	Access arrangement applications Exemption applications EHCP Data protection notice Other support documentation	Candidate name Candidate DOB Gender Data protection notice (candidate signature) Diagnostic testing outcome(s) Specialist report(s) (may also include candidate address) Evidence of normal way of working	Access Arrangements Online SIMS Lockable filing cabinet	Secure user name and password  In secure area solely assigned to exams	DOB of student + 25 years
Alternative site arrangements	Alternative site application Seating plans Paper transfer logs	Candidate name Candidate number Candidate DOB Qualification component Staff names and signatures	Server Lockable cupboards and filing cabinet	Secure username and password  Cupboard and filing cabinet kept locked with key in lockable cabinet	Until appeals process/validation process is complete

Attendance registers copies		Candidate name Candidate number Qualification component	Server Lockable filing cabinet	Secure user name and password In secure area solely assigned to exams	Until appeals process/validation process is complete
Candidates' scripts		Candidate name Candidate number Candidate DOB Qualification component Candidate work	Lockable filing cabinet	In secure area solely assigned to exams	Until appeals process/validation process is complete. Dates will be specified by the awarding body
Candidates' work including centre assessed work		Candidate name Candidate number Candidate DOB Candidate work Qualifications	Server Lockable cupboards and filing cabinet	Secure user name and password In classrooms	Until appeals process/validation process is complete
Certificates		Candidate name Candidate number DOB Qualification results	Lockable filing cabinet	In secure area solely assigned to exams	Keep for 12 months then destroy in a confidential manner.
Certificate issue information	Copies of certificates with details of date given to candidate at award evening or posted via recorded delivery	Candidate name Candidate number DOB Qualification result	Lockable filing cabinet	In secure area solely assigned to exams	Current + 6 years
Conflict of Interest Record	Google form and excel database of staff and close friend/relative - examinations and assessments being taken in the current academic year	Candidate name Close relative/friends name Qualifications being taken	Google drive with access restricted to the exams officer	Secure user name and password	Until appeals process/validation process is complete

Entry information	Awarding body entry confirmations Centre data collection forms and spreadsheets SIMS reports	Candidate name Candidate number Qualification entered DOB	Awarding body portal Server Lockable cupboard	Secure user name and password Cupboard kept locked	Current + 6 years
Exam room incident logs and room checklists		Candidate name Staff name Incident details	Lockable filing cabinet	In secure area solely assigned to exams	Until appeals process/validation process is complete
Exam question papers	Question papers for live timetabled exams	Live exam papers	In lockable filing cabinet in a secure storage room solely assigned to exams	Lockable room and lockable cabinet with restricted key access	Until the published finish time of the exam or until all candidates have completed the exam. Once this time is reached, papers can be released to centre personnel.
Exam stationery	Awarding body exam stationery provided solely for the purpose of an external exam	Live exam papers	In lockable filing cabinet in a secure storage room solely assigned to exams	Lockable room and lockable cabinet with restricted key access	Must be destroyed once the timetabled exam is complete
Examiner and moderator reports	Examiner report received electronically		Google drive and email	Secure user name and password	Forwarded to head of department as record owner
Exemption reports	Application forms Awarding Body responses	Candidate name Candidate number Candidate DOB Reason for exemption Qualification component	e-mail Lockable filing cabinet	Secure user name and password In secure area solely assigned to exams	Current + 6 years
Invigilator and facilitator training records	Training certificates Confidentiality agreement	Staff name Training details BSL qualification level	Exams Office portal Lockable cupboard	Cupboard kept locked	Until appeals process/validation process is complete then transferred to staff file

		Signed confidentiality agreement	Staff files	Cupboard kept locked by SBM	Leaving +6 years
Post-results services: confirmation of candidate consent information	Email / letters	Candidate name Candidate number Qualification entered DOB Result	Google drive with access restricted Server Email Lockable cupboard	Secure user name and password Cupboard kept locked	Until appeals process/validation process is complete
Post-results services: requests/outcome information	Email / letters	Candidate name Candidate number Qualification entered DOB Outcome details and results	Google drive with access restricted Server Email Lockable cupboard	Secure user name and password Cupboard kept locked	Until appeals process/validation process is complete
Post-results services: scripts provided by ATS service		Candidate name Candidate number Qualification entered DOB Exam paper	Secure storage	In secure area solely assigned to exams	Until appeals process/validation process is complete
Post-results services: tracking logs	Spreadsheet	Candidate name Candidate number Qualification entered DOB	Google drive with access restricted Server Email Lockable cupboard	Secure user name and password Cupboard kept locked	Until appeals process/validation process is complete
Proof of postage – candidates' work and moderator returns	Logs recording the return of candidates' work to the centre by the awarding body at the end of the	Candidate name Candidate number Qualification entered	Google drive with access restricted Server Email	Secure user name and password Cupboard kept locked	Until appeals process/validation process is complete

	<p>moderation period</p> <p>Proof of postage of sample of candidates' work submitted to awarding body moderators.</p> <p>(Proof of postage of candidates' scripts to awarding body examiners/markers)</p>	DOB	Lockable cupboard		
Results information	<p>Result Letters</p> <p>Spreadsheets</p> <p>Awarding body reports</p> <p>SIMS reports</p>	<p>Candidate name</p> <p>Candidate number</p> <p>Candidate qualification results</p>	<p>Server</p> <p>SIMS</p> <p>Lockable cupboard</p>	<p>Secure user name and password</p> <p>Cupboard kept locked</p>	DOB of student + 25 years
Seating plans		<p>Candidate name</p> <p>Access arrangements</p> <p>Qualification component</p>	<p>Server</p> <p>Lockable filing cabinet</p>	<p>Secure user name and password</p> <p>In secure area solely assigned to exams</p>	Until appeals process/validation process is complete
Special consideration information	<p>Special consideration application</p> <p>Support evidence</p>	<p>Candidate name</p> <p>Candidate number</p> <p>DOB</p> <p>Qualification component</p> <p>Reason for special consideration</p> <p>Supporting evidence</p>	<p>Server e-mails</p> <p>Awarding Body</p> <p>Lockable filing cabinet</p>	<p>Secure user name and password</p> <p>In secure area solely assigned to exams</p>	Until results and certificates have been issued
Suspected malpractice reports/outcomes	<p>Malpractice reports and statements</p> <p>Support evidence</p> <p>Incident log</p>	<p>Staff name</p> <p>Candidate name</p> <p>Candidate number</p> <p>Incident report/log</p>	<p>Server</p> <p>Awarding body portal</p> <p>Lockable filing cabinet</p>	<p>Secure user name and password</p> <p>In secure area solely assigned to exams</p>	Current + 6 years

		Qualification component			
Very late arrival reports/ outcomes	Late arrival notifications	Candidate name Candidate number Qualification component Arrival time	Lockable filing cabinet Awarding body portal Server	In secure area solely assigned to exams Secure user name and password	Until appeals process/validation process is complete