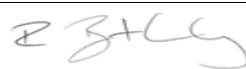




Data Protection Policy (Exams)

Policy agreed by Staff on:	Spring 2024
Ratified by Local Advisory Board on:	Spring 2024
Review Date:	Spring 2025
Agreed Frequency of Review:	Annually
Allocated Group / Person to Review:	LAB can delegate to committee or individual member or HT
Signed by Chair:	
Signed by Headteacher:	



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Purpose of the Policy

This policy details how Bradford AP Academy, in relation to examinations management and administration, ensures compliance with regulations as set out by the Data Protection Act 2018 (DPA 2018) and the UK General Data Protection Regulation (UK GDPR).

The delivery of examinations and assessments involves centres and awarding bodies processing a significant amount of personal data (i.e. information from which a living individual may 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 any law relating to personal data in any jurisdiction in which the awarding body or centre is 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 the 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 information is protected, how it can be accessed, and how data breaches are dealt with.

All examination office staff responsible for collecting and sharing candidates' data are required to follow strict rules known as data protection principles, ensuring that 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 individuals' data protection rights
- Kept safe and secure

To ensure that the centre meets the requirements of the DPA 2018 and UK GDPR, all candidates' examination information — including data that is not classified as personal or sensitive — is covered under this policy.

Exams-Related Information

There is a requirement for the exams office 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)
- Alternative provisions in partnership with BAPA, i.e. Bradford College
- Department for Education
- Local Authority

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

- Hard copy
- Email
- Secure extranet site(s) – AQA Centre Services; Pearson Edexcel Online; NCFE Secure Website
- Management Information System (MIS) provided by ESS SIMS
- Sending and receiving information via electronic data interchange (EDI) using A2C (<https://www.jcq.org.uk/about-a2c>) to and from awarding body processing systems
- Galaxy key secure data exchange

This data may relate to exam entries, access arrangements, the conduct of examinations and non-examination assessments, special consideration requests, and exam results, post-results services, and certificate information.

Informing Candidates of the Information Held

Bradford AP Academy ensures that candidates are fully aware of the information and data held about them.

All candidates are:

- Informed via the candidate pack
- Given access to this policy via the centre website, or through a verbal or written request to the Head of Centre

Candidates are made aware of the above at the start of a course leading to GCE and GCSE qualifications, and again when entries are submitted to awarding bodies for processing.

At this point, the centre also brings to the attention of candidates the annually updated JCQ document Information for Candidates – Privacy Notice, which explains how JCQ awarding bodies process personal data in accordance with the Data Protection Act 2018 and UK General Data Protection Regulation (UK GDPR) (or any law relating to personal data in any jurisdiction in which the awarding body or centre is operating).

Candidates who are eligible for access arrangements or reasonable adjustments that require awarding body approval through Access Arrangements Online are also required to provide consent by signing the GDPR-compliant JCQ candidate personal data consent form before approval applications can be processed online.

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
Laptop Desktop computer	June 2023 June 2023 Antivirus protection is up to date Smoothwall monitoring software Secure username and password protected	N/A

Software/online system	Protection measure(s)
Microsoft Office 365, including Teams MIS / SIMS Intranet Internet browser(s) Awarding body secure extranet site(s) Centre Admin Portal (CAP)	Please refer to the Exceed Academies Data Protection Policy for detailed information regarding the measures in place to protect the information from unauthorised/unlawful access Protected Measures Include the Use of: Usernames and passwords Rules for password setting (use of a mix of upper- and lower-case letters and numbers) Rules for regularity of password changing Multi-factor authentication Centre administration approval for the creation of new user accounts and determination of access rights Regular checks to firewall and antivirus software

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 which holds it
- Cyber-attacks involving ransomware infections

If a data protection breach is identified, the following steps will be taken:

Containment and Recovery

Ruth Jarvis, Data Protection Officer for Exceed Academies Trust, will lead on investigating the breach.

It will be established:

- Who needs to be made aware of the breach and informed 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, locating a lost piece of equipment and/or changing access codes.
- Whether there is anything that can be done to recover losses and limit damage caused by the breach. This may include recovery of equipment, restoring data from back-up hardware, or ensuring staff recognise attempts 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 when assessing the ongoing risk of the data breach:

- What type of data is involved.
- How sensitive the data is.
- Whether protections such as encryption are in place if data has been lost or stolen.
- What has happened to the data. If data has been stolen, it may be used for harmful purposes; if it has been damaged, this presents a different level of risk.
- Regardless of what has happened, what the data could disclose about an individual to a third party.
- How many individuals' personal data are affected.
- Who the individuals are whose data has been breached.
- What harm could result for those individuals.
- Whether there are wider consequences, such as loss of public confidence in an important service.

Notification of Breach

Notification will take place to enable affected individuals to take steps to protect themselves, and to allow relevant regulatory bodies to perform their functions, provide advice and address complaints.

Evaluation and Response

Once the data breach has been resolved, a full investigation of the incident will take place. This will include:

- Reviewing what data is held, where it is held and how it is stored
- Identifying risks and weaknesses in security measures (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 through training or tailored advice
- Reviewing contingency plans

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 a secure area.
- Updates undertaken by Virtue Technologies on a regular basis (this may include updating antivirus software, firewalls, internet browsers, etc.).

Data retention periods

Details of retention periods, the actions taken at the end of the retention period and method of disposal are contained in the centre's Exams Archiving Policy which is available/accessible from the Exams Officer or Head of Centre.

Access to Information

(With reference to ICO information: <https://ico.org.uk/your-data-matters/schools/exam-results/>)

The GDPR gives individuals the right to see information held about them. This means individuals can request information about them and their exam performance, including:

- Their mark.
- Comments written by the examiner.
- Minutes of any examination appeals panels.

This does not, however, give individuals the right to copies of their answers to examination questions.

Requesting Exam Information

Requests for exam information can be made to Deborah Hudson, Head of Centre, in writing or by email. Identification will need to be confirmed if a former candidate is unknown to current staff, by visiting one of the Bradford AP Academy sites in person.

The GDPR does not specify an age at which a child can request their exam results or request that they are not 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, to be involved.
- The child properly understands what is involved.

The ability of young people to understand and exercise their rights is likely to develop as they get older. As a general guide, a child aged 12 or over is expected to be mature enough to understand the request they are making. A child may, however, be mature enough at an earlier age or may lack sufficient maturity until a later age, and therefore requests should be considered on a case-by-case basis.

A decision will be made by Richard Bottomley, Headteacher, as to whether the student is mature enough to understand the request they are making, with all 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, the request will be responded to:

- Within five months of the date of the request.
- Within 40 days from when the results are published (whichever is earlier).

If a request is made after 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 about another individual from a third-party organisation.

Candidates' personal data will not be shared with a third party unless a request is accompanied by permission from the candidate and appropriate evidence, where relevant, to verify the identity of both parties.

In the case of looked-after children or children 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 or reject any such 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 and a Local Authority (the '*corporate parent*')), for 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
(Updated 24 August 2023 to include guidance on the role of the 'corporate parent', releasing GCSE results to a parent, and notifying separated parents about a child moving school).

- School reports on pupil performance
www.gov.uk/guidance/school-reports-on-pupil-performance-guide-for-headteachers

Publishing Exam Results

When considering the publication of examination results, Bradford AP Academy will make reference to guidance from the Information Commissioner's Office (ICO):

<https://ico.org.uk/your-data-matters/schools/exam-results/>

Can schools give my exam results to the media for publication?

Bradford AP Academy will seek consent from students before publishing examination results which may identify a student.

Bradford AP Academy has the right to publish examination results on its website.

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	Information regarding specific learning need of a candidate and specific arrangements in place for that candidate.	Candidate name Candidate DOB Candidate ULN 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 Secure exam storage facilities	Secure username and password In secure office Access limited to storage facilities to exam staff.	
Alternative site arrangements	Information of where a candidate will be sitting an examination.	Candidate name Candidate ULN Candidate exam number	Centre Access Portal (CAP) Secure exam storage facilities	Secure username and password	
Attendance registers copies	Identifies candidates sitting a specific examination paper.	Candidate name Candidate ULN Candidate exam number	Secure exam storage facilities	Access limited to storage facilities to exam staff.	

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		Candidate name Candidate ULN Candidate exam number	Secure exam storage facilities Lockable metal filing cabinet	Access limited to storage facilities to exam staff	
Candidates' work		Candidate name Candidate ULN Candidate exam number	School IT system/servers Secure exam storage facilities Lockable metal filing cabinet	Secure username and password Access limited to storage facilities to exam staff	
Centre consortium arrangements for centre assessed work		Candidate name Candidate ULN Candidate exam number	School IT system/servers Secure exam storage facilities Lockable metal filing cabinet	Secure username and password Access limited to storage facilities to exam staff	
Certificates		Candidate name Candidate examination grade	Secure exam storage facilities Lockable metal filing cabinet	Access limited to storage facilities to exam staff	
Certificate destruction information		Candidate name Candidate examination grade	Secure exam storage facilities Lockable metal filing cabinet	Access limited to storage facilities to exam staff	

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 issue information	Posted certificates	Candidate name Candidate address	Secure exam storage facilities Lockable metal filing cabinet	Access limited to storage facilities to exam staff	
Conflicts of interest records		Staff name Candidate name(s)	Secure exam storage facilities Lockable metal filing cabinet	Access limited to storage facilities to exam staff	
Entry information	Spreadsheet detailing all exam entries Entries made online to awarding bodies	Candidate name Candidate ULN Candidate exam number	School IT system/servers Exam awarding bodies online entry systems Secure exam storage facilities Lockable metal filing cabinet	Secure username and password Access limited to storage facilities to exam staff	
Exam room incident logs		Candidate name Candidate ULN Candidate exam number	Secure exam storage facilities Lockable metal filing cabinet	Access limited to storage facilities to exam staff	
Invigilator and facilitator training records	The Exams Office online training facilities Copies of certificates	Invigilator name	School IT system/servers The Exams Office online Secure exam storage facilities	Secure username and password Access limited to storage facilities to exam staff	

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
			Lockable metal filing cabinet		
Overnight supervision information		Candidate name Candidate ULN Candidate exam number	Secure exam storage facilities Lockable metal filing cabinet	Access limited to storage facilities to exam staff	
Post-results services: confirmation of candidate consent information		Candidate name Candidate ULN Candidate exam number	Secure exam storage facilities Lockable metal filing cabinet	Access limited to storage facilities to exam staff	
Post-results services: requests/outcome information		Candidate name Candidate ULN Candidate exam number	MIS Secure exam storage facilities Lockable metal filing cabinet	Secure username and password Access limited to storage facilities to exam staff	
Post-results services: scripts provided by ATS service		Candidate name Candidate ULN Candidate exam number	Secure exam storage facilities Lockable metal filing cabinet	Access limited to storage facilities to exam staff	
Post-results services: tracking logs		Candidate name Candidate ULN Candidate exam number	Secure exam storage facilities Lockable metal filing cabinet	Access limited to storage facilities to exam staff	
Results information		Candidate name Candidate ULN	MIS	Secure username and password	

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 Candidate grades	School IT system/servers Secure exam storage facilities Lockable metal filing cabinet	Access limited to storage facilities to exam staff	
Seating plans		Candidate name Candidate ULN Candidate exam number	Secure exam storage facilities Lockable metal filing cabinet	Access limited to storage facilities to exam staff	
Special consideration information		Candidate name Candidate ULN Candidate exam number	CAP Secure exam storage facilities Lockable metal filing cabinet	Secure username and password Access limited to storage facilities to exam staff	
Suspected malpractice reports/outcomes		Candidate name Candidate ULN Candidate exam number	Secure exam storage facilities Lockable metal filing cabinet	Access limited to storage facilities to exam staff	
Transferred candidate arrangements		Candidate name Candidate ULN Candidate exam number	CAP Secure exam storage facilities Lockable metal filing cabinet	Secure username and password Access limited to storage facilities to exam staff	

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 Candidate ULN Candidate exam number	Secure exam storage facilities Lockable metal filing cabinet	Access limited to storage facilities to exam staff	