



**BEDFORD**  
FREE SCHOOL

# Data Protection Policy (Exams)

2023/2024

This policy is reviewed annually to ensure compliance with current regulations

Approved by:	E Forster	Date: February 2024
--------------	-----------	---------------------

Last reviewed on:	February 2024
-------------------	---------------

Next review due by:	February 2025
---------------------	---------------

## Key staff involved in the policy

<b>Role</b>	<b>Name(s)</b>
<b>Head of centre</b>	Jane Herron
<b>Exams Officer Senior Leader</b>	Tom Wood
<b>Head of Governance and Compliance</b>	Mikhaela Chapman
<b>Trust Data Manager</b>	John Moore
<b>Trust IT Manager</b>	Tom Burrin
<b>Exams Officer</b>	Elaine Forster
<b>SLT</b>	Tom Wood
<b>Data Protection Officer</b>	Chris Beeden

## Contents

Data Protection Policy (Exams).....	1
2023/2024 .....	1
Key staff involved in the policy.....	2
Purpose of the policy.....	4
Section 1 – Exams-related information.....	4
Section 2 – Informing candidates of the information held.....	5
Candidates eligible for access arrangements/reasonable adjustments which require awarding body approval using <i>Access arrangements online</i> are also required to provide their consent by signing the GDPR compliant JCQ candidate before approval applications can be processed online. .....	5
Section 3 – Hardware and software.....	5
Section 4 – Dealing with data breaches .....	6
Section 5 – Candidate information, audit and protection measures.....	8
Section 6 – Data retention periods .....	8
Details of retention periods, the actions taken at the end of the retention period and method of disposal are contained in this policy which is available/accessible from the school website or I Drive.....	8
Section 7 – Access to information.....	8
Section 8 – Table recording candidate exams-related information held .....	11

## Purpose of the policy

This policy details how Bedford Free 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 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
- kept safe and secure
- processed following procedures that demonstrate compliance with the GDPR

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 below*.

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

- Awarding bodies
- Joint Council for Qualifications
- 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) – AQA Centre Services; OCR Interchange; Pearson Edexcel Online; WJEC Secure services.

- A 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.

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

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

All candidates are:

- informed via the GCSE Handbook which is on the school website
- informed via the BFS Privacy Notice which is on the school website
- made aware of the **Information for candidates** – Privacy Notice which explains how the JCQ awarding bodies process their personal data in accordance with the DPA 2018 and GDPR. This is also on the school Website

Candidates eligible for access arrangements/reasonable adjustments which require awarding body approval using *Access arrangements online* are also required to provide their consent by signing the GDPR compliant JCQ candidate 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	Warranty expiry
<b>Asset Numbers below</b>		
<b>All-in-one computers;</b>		
Exams Officer - 6564	Purchased 2023	Expired
Exam Room – 256	Purchased Pre 2020	Expired
Exams Officer Laptop - 425	Purchased Feb 2021	Expired
<b>Laptops available for exam purposes;</b>		
<u>Exams Office</u>		
537	Purchased June 2020	Expired
546	Purchased Feb 2021	Expired
547	Purchased Feb 2021	Expired
548	Purchased Feb 2021	Expired
549	Purchased Feb 2021	Expired
551	Purchased Feb 2021	Expired
553	Purchased Feb 2021	Expired
552	Purchased Feb 2021	Expired
555	Purchased Feb 2021	Expired
556	Purchased Feb 2021	Expired
557	Purchased Feb 2021	Expired

Devices/Software/Online system	Protection measure(s)
All-in-one computers	<ul style="list-style-type: none"> <li>• PCs only accessible via authorised user account and connected to secured school network infrastructure.</li> <li>• Anti-malware software in operation.</li> <li>• Data stored centrally on networked servers. Data is not stored on the local hard disk of the PCs.</li> <li>• Network protected from external threats via a Firewall complying with all relevant Firewall standards.</li> <li>• Data is backed up daily using VEEAM</li> </ul>
Students Laptops	<ul style="list-style-type: none"> <li>• Student laptops only accessible via authorised user account.</li> <li>• Exam accounts are specifically blocked from internet access</li> <li>• Exam accounts are specifically restricted to only permitted apps</li> <li>• Data is stored centrally on networked servers. Changes are saved every minute, with version history available to restore as required</li> <li>• Infrastructure protection measures as above for all-in-one computers.</li> <li>• Devices do not leave the premises.</li> </ul>
Staff Laptop	<ul style="list-style-type: none"> <li>• Laptop only accessible via authorised user account and direct access to secured school network infrastructure. (Data is not stored on the local hard disk of the device.)</li> <li>• Infrastructure protection measures as above for all-in-one computers.</li> <li>• Bitlocker is used.</li> </ul>
Capita Sims	<ul style="list-style-type: none"> <li>• Protected by usernames and passwords.</li> </ul>
Awarding Body secure extranet site(s)	<ul style="list-style-type: none"> <li>• Exams Officer has to determine user access rights.</li> <li>• Regular checks to Firewall/Antivirus/Malware software.</li> <li>• Providers own security measures.</li> </ul>
A2C	<ul style="list-style-type: none"> <li>• Regular checks to Firewall/Antivirus/Malware software.</li> <li>• Providers own security measures.</li> </ul>

#### 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:

### **1. Containment and recovery**

Mikhaela Chapman, Head of Governance and Compliance, will lead on investigating the breach in association with the school Data Protection Officer, Chris Beeden.

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 identified as appropriate 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 annually.

The table in section 8 details the type of candidate exams-related information held, and how it is managed, stored and protected.

Protection measures include:

- password protected infrastructure inside the centre
- secure drive accessible only to selected staff
- information held in secure area
- IT updates undertaken fortnightly including 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 this policy which is available/accessible from the school website or I Drive.

#### Section 7 – Access to information

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

Current and former candidates can request access to the information/data held on them by making a **subject access request** to Mikhaela Chapman, Head of Governance and Compliance, in writing using the standard form letter available on the School website.



When the request is made the Mikhaela Chapman, Head of Governance and Compliance, will contact the candidate and confirm the identification requirements if the enquiry is from a candidate who 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 Mikhaela Chapman, Head of Governance and Compliance, 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 (where relevant), to verify the identification of both parties, is 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). Mikhaela Chapman, Head of Governance and Compliance will confirm the status of these agreements and approve/reject any requests.

### **Sharing information with parents**

Bedford Free School 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' ), 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)

(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](http://www.gov.uk/guidance/school-reports-on-pupil-performance-guide-for-headteachers)

### **Publishing exam results**

When considering publishing exam results, Bedford free School will make reference to the ICO (Information Commissioner's Office) <https://ico.org.uk/your-data-matters/schools/exam-results/> Can schools give my exam results to the media for publication?

## 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	Any hard copy information kept by the SENCo relating to an access arrangement candidate.	<ul style="list-style-type: none"> <li>• Candidate name</li> <li>• Candidate DOB</li> <li>• Gender</li> <li>• Data protection notice (candidate signature)</li> <li>• Diagnostic testing outcome(s)</li> <li>• Specialist report(s) (may also include candidate address)</li> <li>• Evidence of normal way of working</li> </ul>	<ul style="list-style-type: none"> <li>• Access Arrangements Online</li> <li>• SIMs</li> <li>• Lockable metal filing cabinet</li> </ul>	<ul style="list-style-type: none"> <li>• Secure user name and password for online and computer records</li> <li>• Cabinet in secure office (SEnCo)</li> </ul>	1 Calendar Year save for on Sims where 6 years plus current year
Attendance registers copies	Attendance register for each exam session	<ul style="list-style-type: none"> <li>• Candidate name</li> <li>• Candidate exam number</li> <li>• Candidate UCI number</li> </ul>	Exams secure storage facility	In secure area solely assigned to exams	1 Calendar Year
Candidates' scripts	Exam scripts completed that day during an exam.	<ul style="list-style-type: none"> <li>• Candidate name</li> <li>• Candidate exam number</li> <li>• Candidate UCI number</li> </ul>	Exams secure storage facility.	In secure area solely assigned to exams	After the deadline for RoRs or appeal. *
Candidates' work	<ul style="list-style-type: none"> <li>• Non-examination assessment work</li> <li>• Centre assessed</li> </ul>	<ul style="list-style-type: none"> <li>• Candidate name</li> <li>• Candidate exam number</li> <li>• Candidate UCI number</li> </ul>	To be stored safely and securely along with work that did not	<ul style="list-style-type: none"> <li>• Written: in secure area</li> </ul>	After the deadline 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
			form part of the moderation sample (including materials stored electronically)	within department. <ul style="list-style-type: none"> <li>Electronic: in secure area on Network (password protected)</li> </ul>	RoRs or appeal. *
Certificates	Candidate certificates issued by awarding bodies.	Candidate name	In lockable filing in exams office	In secure area solely assigned to exams	1 Calendar Year
Certificate destruction information	A record of unclaimed certificates that have been destroyed.	Candidate name	In lockable filing in exams office	In secure area solely assigned to exams	4 Calendar Years
Certificate issue information	A record of certificates that have been issued to candidates	Candidate name	In lockable filing in exams office	In secure area solely assigned to exams	4 Calendar Years
Conflicts of Interest records	A record of staff with a conflict of interest	Staff name	Exams secure storage facility	In secure area solely assigned to exams	1 Calendar Year
Entry information	A record of candidates entered into public examinations	<ul style="list-style-type: none"> <li>Candidates name</li> <li>Candidate DOB</li> <li>Candidate gender</li> </ul>	<ul style="list-style-type: none"> <li>Paper copies: In lockable filing in exams office</li> <li>Electronic: On SIMs (password protected)</li> </ul>	In secure area solely assigned to exams	1 Calendar Year save for on Sims where 6 years plus current year

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 room incident logs	Logs recording any incidents or irregularities in exam rooms for each exam session.	<ul style="list-style-type: none"> <li>• Candidate name</li> <li>• Candidate exam number</li> <li>• Candidate UCI number</li> </ul>	Exams secure storage facility	In secure area solely assigned to exams	1 Calendar Year
Invigilator and facilitator training records	A record of the content of the training given to invigilators	<ul style="list-style-type: none"> <li>• Invigilator name</li> <li>• Date of training</li> </ul>	Exams secure storage facility	In secure area solely assigned to exams	2 Calendar Years
Overnight supervision information	JCQ form Timetable variation and confidentiality declaration for overnight supervision for any candidate eligible for these arrangements.	<ul style="list-style-type: none"> <li>• Candidate name</li> <li>• Candidate exam number</li> <li>• Candidate UCI number</li> <li>• Candidate contact details</li> </ul>	Exams secure storage facility	In secure area solely assigned to exams	1 Calendar Year
Post-results services: confirmation of candidate consent information	Hard copy or email record of required candidate consent	<ul style="list-style-type: none"> <li>• Candidate name</li> <li>• Candidate exam number</li> <li>• Candidate UCI number</li> </ul>	Exams secure storage facility	In secure area solely assigned to exams	1 Calendar Year
Post-results services: requests/outcome information	Any hard copy information relating to a post-results service request (RoRs, appeals, ATS) submitted to an awarding body for a candidate and outcome information from the awarding body.	<ul style="list-style-type: none"> <li>• Candidate name</li> <li>• Candidate exam number</li> <li>• Candidate UCI number</li> </ul>	Exams secure storage facility	In secure area solely assigned to exams	1 Calendar Year

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	Copies of exam scripts (or an electronic image of the script) returned to the centre by the awarding body or copies downloaded by the centre where the awarding body provides online access to scripts.	<ul style="list-style-type: none"> <li>• Candidate name</li> <li>• Candidate exam number</li> <li>• Candidate UCI number</li> </ul>	In lockable filing in exams office until passed onto the relevant student.	In secure area solely assigned to exams	After the deadline for RoRs or appeal. *
Post-results services: tracking logs	Logs tracking to resolution all post-results service requests submitted to awarding bodies	<ul style="list-style-type: none"> <li>• Candidate name</li> <li>• Candidate exam number</li> <li>• Candidate UCI number</li> </ul>	Exams secure storage facility	In secure area solely assigned to exams	1 Calendar Year
Private candidate information	Request for entry	<ul style="list-style-type: none"> <li>• Candidate name</li> <li>• Candidate exam number</li> <li>• Candidate UCI number</li> </ul>	Exams secure storage facility	In secure area solely assigned to exams	1 Calendar Year
Resolving timetable clashes information	Any hard copy information relating to the resolution of a candidate's clash of timetabled exam papers or a timetable variation	<ul style="list-style-type: none"> <li>• Candidate name</li> <li>• Candidate exam number</li> <li>• Candidate UCI number</li> </ul>	Exams secure storage facility	In secure area solely assigned to exams	1 Calendar Year
Results information	Broadsheets of results summarising candidate final grades by subject by exam series.	<ul style="list-style-type: none"> <li>• Candidate name</li> <li>• Candidate exam number</li> <li>• Candidate UCI number</li> </ul>	<ul style="list-style-type: none"> <li>• Paper copies: In lockable filing in exams office</li> <li>• Electronic: On SIMs (password protected)</li> </ul>	In secure area solely assigned to exams	1 Calendar year save for on Sims where 6 years plus current year

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
Seating plans	Plans showing the seating arrangements of all candidates for every exam taken.	<ul style="list-style-type: none"> <li>• Candidate name</li> <li>• Candidate exam number</li> <li>• Candidate UCI number</li> </ul>	Exams secure storage facility	In secure area solely assigned to exams	1 Calendar Year
Special consideration information	Any hard copy information relating to a special consideration request and supporting evidence submitted to an awarding body for a candidate	<ul style="list-style-type: none"> <li>• Candidate name</li> <li>• Candidate exam number</li> <li>• Candidate UCI number</li> <li>• Candidate DOB</li> <li>• Information relating to personal circumstances</li> </ul>	Exams secure storage facility	In secure area solely assigned to exams	1 Calendar Year
Suspected malpractice reports/outcomes	Any hard copy information relating to a suspected or actual malpractice investigation/report submitted to an awarding body and outcome information from the AB.	Personal information relating to the person(s) involved in the malpractice (staff, students, invigilators, members of public)	Exams secure storage facility	In secure area solely assigned to exams	3 Calendar Years
Transferred candidate arrangements	Any hard copy information relating to a transferred candidate arrangement.	<ul style="list-style-type: none"> <li>• Candidate name</li> <li>• Candidate exam number</li> <li>• Candidate UCI number</li> <li>• Candidate DOB</li> </ul>	In lockable filing in exams office	In secure area solely assigned to exams	1 Calendar Year
Very late arrival reports/outcomes	Any hard copy information relating to a candidate arriving very late to an exam.	<ul style="list-style-type: none"> <li>• Candidate name</li> <li>• Candidate exam number</li> <li>• Candidate UCI number</li> <li>• Candidate DOB</li> </ul>	In lockable filing in exams office	In secure area solely assigned to exams	1 Calendar Year

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

\* To be retained until after the deadline for RoRs or until any appeal, malpractice or other results enquiry has been completed, whichever is later.[Reference ICE 6]