Maidstone & Malling Alternative Provision

INSPIRING ACHIEVEMENT THROUGH INCLUSION AND SUPPORT

Data Protection Policy (exams)
September 2020/21

Key staff involved in the General Data Protection Regulation policy

Role	Name(s)
Head of centre	**Stacie Smith (Acting)**
Exams officer	**Sally Whittington**
Exams officer line manager (Senior Leader)	**Stacie Smith**
Data Protection Officer	**Robert Monk**
IT manager	**Alex Hillman**
Data manager	**Alex Hillman**

Purpose of the policy

This policy details how The Maidstone and Malling Alternative Provision in relation to exams management and administration, ensures compliance with the regulations as set out by the Data Protection Act 2018 (DPA 2018) and General Data Protection Regulation (GDPR).

Students are given the right to find out what information the centre holds about them, how this is protected, how this can be accessed and how data breaches are dealt with.

All exams office staff responsible for collecting and sharing candidates' data are required to follow strict rules called 'data protection principles' ensuring the information is:

- used fairly and lawfully
- used for limited, specifically stated purposes
- used in a way that is adequate, relevant and not excessive
- accurate
- kept for no longer than is absolutely necessary
- handled according to people's data protection rights
- kept safe and secure
- not transferred outside the European Economic Area without adequate protection

To ensure that 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
- The mainstream school of the student.

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

- hard copy
- email
- secure extranet site(s) –eAQA; OCR Interchange; Pearson Edexcel Online; WJEC Secure services; City & Guilds Walled Garden; etc.
- Management Information System (MIS) provided by (Eis) Capita Sims sending/receiving information via electronic data interchange (EDI) using A2C (https://www.jcq.org.uk/about-a2c) to/from awarding body processing systems; etc.]

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

Section 2 – Informing candidates of the information held

The Maidstone & Malling Alternative Provision ensures that candidates are fully aware of the information and data held.

All candidates are:

- informed via letter.
- given access to this policy via written request

Candidates are made aware of the above at their Pre Admission Meeting .

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.

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
Desk top computer		

Software/online system	Protection measure(s)
[Insert details of any software or system used where candidate information is stored]	[Insert the measures in place to protect the information from unauthorised/unlawful access (liaise with the IT/Data manager to determine these)]
[Insert each as a new row in the table. Examples might include: MIS; Intranet; Internet browser(s); Awarding body secure extranet site(s); A2C; etc.]	[Example measures might include: protected usernames and passwords; rules for password setting (use of a mix of upper/lower cases letters and numbers); rules for regularity of password changing; centre administrator has to approve the creation of new user accounts and determine access rights; regular checks to Firewall/Antivirus software; etc.]

Section 4 – Dealing with data breaches

Although data is handled in line with DPA/GDPR regulations, a data breach may occur for any of the following reasons:

- loss or theft of data or equipment on which data is stored

- inappropriate access controls allowing unauthorised use
- equipment failure
- human error
- unforeseen circumstances such as a fire or flood
- hacking attack
- 'blagging' offences where information is obtained by deceiving the organisation who holds it

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

1. **Containment and recovery**

Robert Monk 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

2. **Assessment of ongoing risk**

The following points will be considered in assessing the ongoing risk of the data breach:

- what type of data is involved?
- how sensitive is it?
- if data has been lost or stolen, are there any protections in place such as encryption?
- what has happened to the data? If data has been stolen, it could be used for purposes which are harmful to the individuals to whom the data relates; if it has been damaged, this poses a different type and level of risk
- regardless of what has happened to the data, what could the data tell a third party about the individual?
- how many individuals' personal data are affected by the breach?
- who are the individuals whose data has been breached?
- what harm can come to those individuals?
- are there wider consequences to consider such as a loss of public confidence in an important service we provide?

3. **Notification of breach**

Notification will take place to enable individuals who may have been affected to take steps to protect themselves or to allow the appropriate regulatory bodies to perform their functions, provide advice and deal with complaints.

4. **Evaluation and response**

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

- reviewing what data is held and where and how it is stored
- identifying where risks and weak points in security measures lie (for example, use of portable storage devices or access to public networks)
- reviewing methods of data sharing and transmission
- increasing staff awareness of data security and filling gaps through training or tailored advice
- reviewing contingency plans

Section 5 – Candidate information, audit and protection measures

For the purposes of this policy, all candidates' exam-related information – even that not considered personal or sensitive under the DPA/GDPR – will be handled in line with DPA/GDPR guidelines.

An information audit is conducted [detail the regularity].

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

Protection measures may include:

- password protected area on the centre's intranet
- secure drive accessible only to selected staff
- information held in secure area
- updates undertaken every [XX] months (this may include updating antivirus software, firewalls, internet browsers etc.)

Section 6 – Data retention periods

Details of retention periods, the actions taken at the end of the retention period and method of disposal are contained in the centre's Exams archiving policy which is available/accessible from Sally Whittington, Exams Officer.

Section 7 – Access to information

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

Third party access

Permission should be obtained before requesting personal information on another individual from a third-party organisation.

Candidates' personal data will not be shared with a third party unless 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

[Insert here any information or centre policy regarding sharing information with parents (and take any legal or other appropriate advice where necessary to confirm if this sits outside 'third party access'). Example provided below. Where not considered relevant to include in your centre policy here, delete this table and the heading above it]

The centre will take into account any other legislation and guidance regarding sharing information with parents (including non-resident 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
- School reports on pupil performance
  www.gov.uk/guidance/school-reports-on-pupil-performance-guide-for-headteachers

Publishing exam results

[Insert here any information or centre policy regarding publishing exam results (where applicable). Example provided below. Where not considered relevant to include in your centre policy here, delete this table and the heading above it]

When considering publishing exam results, the centre will make reference to the ICO (Information Commissioner's Office) Education and Families https://ico.org.uk/for-organisations/education/ information on *Publishing exam results*.

Section 8 – Table recording candidate exams-related information held

For details of how to request access to information held, refer to section 7 of this policy (**Access to information**)

For further details of how long information is held, refer to section 6 of this policy (**Data retention periods**)

Information type	Information description (where required)	What personal/sensitive data is/may be contained in the information	Where information is stored	How information is protected	Retention period
Access arrangements information		Candidate name Candidate DOB Gender Data protection notice (candidate signature) Diagnostic testing outcome(s) Specialist report(s) (may also include candidate address) Evidence of normal way of working	Access Arrangements Online MIS Lockable metal filing cabinet	Secure user name and password [insert] In secure area solely assigned to exams	
Attendance registers copies					
Candidates' scripts					
Candidates' work					
Certificates					
Certificate destruction information	.				
Certificate issue information					
Entry information					

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					
Invigilator and facilitator training records					
Overnight supervision information					
Post-results services: confirmation of candidate consent information					
Post-results services: requests/outcome information					
Post-results services: scripts provided by ATS service					
Post-results services: tracking logs					
Private candidate information					
Resolving timetable clashes information					
Results information					
Seating plans					

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
Special consideration information					
Suspected malpractice reports/outcomes					
Transfer of credit information					
Transferred candidate arrangements					
Very late arrival reports/outcomes					