

# Maple Medical PRU

## General Data Protection Regulation policy (exams)

2019/20

This policy is annually reviewed to ensure compliance with current regulations

Approved/reviewed by	
Management Committee	
Date of next review	December 2020

## Key staff involved in the General Data Protection Regulation policy

<b>Role</b>	<b>Name(s)</b>
Head of centre	<b>Kath Formby</b>
Exams officer	<b>Dawn Hollingsworth</b>
Exams officer line manager (Senior Leader)	<b>Kath Formby</b>
Data Protection Officer	<b>Nikki Minnikin</b>
IT manager	<b>Martin Windmill</b>
Data manager	<b>Kath Formby</b>

## **Purpose of the policy**

This policy details how Maple Medical PRU, 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 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
- ▶ Department for Education; Local Authority; Multi Academy Trust; Management Committee

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

- ▶ hard copy
- ▶ email
- ▶ eAQA; OCR Interchange; Pearson Edexcel Online; WJEC Secure services

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**

Maple Medical PRU ensures that candidates are fully aware of the information and data held.

All candidates are:

- ▶ informed via letter which is also displayed on the schools' website and included in the candidates exam information pack.
- ▶ given access to this policy via the schools' website.

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 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
Desktop computer Laptop	The IT hardware equipment used for school administration is provided and maintained by DMBC.  Anti-virus protection and IT security is updated as required.  All devices are password protected with strict rules for password setting and updating.	N/A

Software/online system	Protection measure(s)
SIMS	Password protected with strict rules for password setting and updating.  Access limited to Headteacher and Admin team.
Exam Awarding Bodies	Exam board website is password protected with strict rules for password setting  Security questions asked when telephoning the awarding bodies  Email correspondence refers only to candidate numbers rather than candidate names
Internal electronic Word/Excel documents	Password protected with strict rules for password setting and updating  Access to electronic documents limited to Headteacher and Admin team
Paper documents	Kept in locked filing cabinet in EO's office.  Access limited to EO and Headteacher.

## 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

Data Protection Officer 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 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 as required (by the Local Authority).

## 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 displayed on the schools' website.

## 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 Nikki Minnikin – the Data Protection Officer in writing or by email. Photographic 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 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 (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](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)

## 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	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 Lockable metal filing cabinet with limited access	Secure user name and password	Until the end of the exam series post results service for the final exams the candidate will be sitting with us.
Attendance registers copies	Candidate name Candidate number	Lockable metal filing cabinet within locked exam secure room. Limited access.	In secure area solely assigned to exams	Until the end of exam series post results service
Candidates' scripts	Candidate name Candidate number	Packed in secure collection sacks provided by exam boards	The script sacks are kept sealed in locked safe within SBM office until collected by Parcel Force	Up to 24 hours on site
Candidates' work	Candidate name Candidate number	Subject teachers store in secure locked filing cabinet in line with JCQ regulations	Access limited to subject teacher and classroom staff	Is sent to exam moderator in line with JCQ regulations
Certificates	Candidate name Candidate DOB Candidate level of academic achievement	Exam safe awaiting collection	Candidate must collect themselves in person. Request for a third party to collect must be provided by the candidate in	12 months from the date of issue



Information type	What personal/sensitive data is/may be contained in the information	Where information is stored	How information is protected	Retention period
			writing and the third party must provide photographic ID.	
Certificate destruction information	Candidate name Candidate DOB Candidate level of academic achievement	Electronically on EO laptop.	Access by EO only. Laptop password protected.	7 years from date of issue
Certificate issue information	Candidate name	Printed and handwritten document held in the safe	Safe kept locked with limited access	4 years from date of issue
Entry information	Candidate name Candidate number Candidate DOB Candidate UCI, ULN and UPN	Online with Exam Boards Locked metal filing cabinet in EO office	Cabinet kept locked with limited access	Until the end of the exam series
Exam room incident logs	Candidate name Candidate number Description of incident	Locked filing cabinet	Filing cabinet kept locked within locked room solely assigned to exams	Until the end of the exam series
Invigilator and facilitator training records	Invigilator name	Locked filing cabinet	Filing cabinet kept locked with limited access	12 months – between annual training
Post-results services	Candidate name Candidate DOB Candidate UCI, ULN and UPN Reason around the enquiry	Locked filing cabinet	Filing cabinet kept locked with limited access	1 year from date of issue
Results information	Candidate name Candidate DOB Level of academic achievement	Electronically on teacher shared drive	Electronic records subject to password protection	7 years

<b>Information type</b>	<b>What personal/sensitive data is/may be contained in the information</b>	<b>Where information is stored</b>	<b>How information is protected</b>	<b>Retention period</b>
		Locked filing cabinet	Filing cabinet kept locked with limited access	
Special consideration information	Candidate name Candidate DOB Candidate UPN, UCI and ULN Personal circumstances	Electronically on Exam Board website  Hard copies in locked filing cabinet	Exam Board access limited and password protected  Filing cabinet kept locked with limited access	Until the end of the exam series
Transferred candidate arrangements	Candidate name Candidate DOB Mainstream School	Locked exam filing cabinet	Locked cabinet within secure area solely assigned to exams	Until transfer arrangements confirmed by awarding body and the close of the exam series