

Philpots Manor School



Data Protection Policy

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1. Aims

Our school aims to ensure that all personal data collected about staff, pupils, parents and carers/visitors and other individuals is collected, stored and processed in accordance with UK data protection law.

This policy applies to all personal data, regardless of whether it is in paper or electronic format.

2. Legislation and guidance

This policy meets the requirements of the:

- UK General Data Protection Regulation (UK GDPR) – the EU GDPR was incorporated into UK legislation, with some amendments, by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2020](#)
- [Data Protection Act 2018 \(DPA 2018\)](#)

It is based on guidance published by the Information Commissioner's Office (ICO) on the [UK GDPR](#) and guidance from the Department for Education (DfE) on [Generative artificial intelligence in education](#).

It also reflects the ICO's [guidance](#) for the use of surveillance cameras and personal information.

In addition, this policy complies with regulation 5 of the [Education \(Pupil Information\) \(England\) Regulations 2005](#), which gives parents the right of access to their child's educational record.

3. Definitions

TERM	DEFINITION
Personal data	<p>Any information relating to an identified, or identifiable, living individual.</p> <p>This may include the individuals:</p> <ul style="list-style-type: none"> • Name (including initials) • Identification number • Location data • Online identifier, such as a username <p>It may also include factors specific to the individual's physical, physiological, genetic, mental, economic, cultural or social identity.</p>
Special categories of personal data	<p>Personal data which is more sensitive and so needs more protection, including information about an individual:</p> <ul style="list-style-type: none"> • Racial or ethnic origin • Political opinions • Religious or philosophical beliefs • Trade union membership • Genetics • Biometrics (such as fingerprints, retina and iris patterns), where used for identification purposes • Health – physical or mental • Sex life or sexual orientation
Processing	<p>Anything done to personal data, such as collecting, recording, organising, structuring, storing, adapting, altering, retrieving, using, disseminating, erasing or destroying.</p> <p>Processing can be automated or manual.</p>
Data subject	<p>The identified or identifiable individual whose personal data is held or processed.</p>
Data controller	<p>A person or organisation that determines the purposes and the means of processing personal data.</p>
Data processor	<p>A person or other body, other than an employee of the data controller, who processes personal data on behalf of the data controller.</p>

Personal data breach	A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data.
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4. The data controller

Our school processes personal data relating to parents and carers, pupils, staff, visitors and others, and therefore is a data controller.

The school is registered with the ICO and has paid its data protection fee to the ICO, as legally required.

5. Roles and responsibilities

This policy applies to **all staff** employed by our school, and to external organisations or individuals working on our behalf. Staff who do not comply with this policy may face disciplinary action.

5.1 The Senior Management Team (SMT)

The SMT has overall responsibility for ensuring that our school complies with all relevant data protection obligations.

5.2 Data protection officer (DPO)

The data protection officer (DPO) is responsible for overseeing the implementation of this policy, monitoring our compliance with data protection law, and developing related policies and guidelines where applicable.

The DPO is also the first point of contact for individuals whose data the school processes, and for the ICO.

Full details of the DPO's responsibilities are set out in their job description.

Our DPO is Steven Ogilvie and is contactable via email on steven.ogilvie@philpotsmanorschool.co.uk or gdpr@philpotsmanorschool.co.uk.

5.3 Headteacher

The Headteacher acts as the representative of the data controller on a day-to-day basis supported by the HR Manager.

5.4 All staff

Staff are responsible for:

- Collecting, storing and processing any personal data in accordance with this policy
- Informing the school of any changes to their personal data, such as a change of address
- Contacting the Headteacher or DPO in the following circumstances:
 - With any questions about the operation of this policy, data protection law, retaining personal data or keeping personal data secure
 - If they have any concerns that this policy is not being followed

- If they are unsure whether or not they have a lawful basis to use personal data in a particular way
- If they need to rely on or capture consent, draft a privacy notice, deal with data protection rights invoked by an individual, or transfer personal data outside the UK
- If there has been a data breach
- Whenever they are engaging in a new activity that may affect the privacy rights of individuals
- If they need help with any contracts or sharing personal data with third parties

6. Data protection principles

The UK GDPR is based on data protection principles that our school must comply with.

The principles say that personal data must be:

- Processed lawfully, fairly and in a transparent manner
- Collected for specified, explicit and legitimate purposes
- Adequate, relevant and limited to what is necessary to fulfil the purposes for which it is processed
- Accurate and, where necessary, kept up to date
- Kept for no longer than is necessary for the purposes for which it is processed
- Processed in a way that ensures it is appropriately secure

This policy sets out how the school aims to comply with these principles.

7. Collecting personal data

7.1 Lawfulness, fairness and transparency

We will only process personal data where we have 1 of 6 'lawful bases' (legal reasons) to do so under data protection law:

- The data needs to be processed so that the school can **fulfil a contract** with the individual, or the individual has asked the school to take specific steps before entering into a contract
- The data needs to be processed so that the school can **comply with a legal obligation**
- The data needs to be processed to ensure the **vital interests** of the individual or another person i.e. to protect someone's life
- The data needs to be processed so that the school, as a public authority, can **perform a task in the public interest or exercise its official authority**
- The data needs to be processed for the **legitimate interests** of the school (where the processing is not for any tasks the school performs as a public authority) or a third party, provided the individual's rights and freedoms are not overridden

- The individual (or their parent/carer when appropriate in the case of a pupil) has freely given clear **consent**

For special categories of personal data, we will also meet 1 of the special category conditions for processing under data protection law:

- The individual (or their parent/carer when appropriate in the case of a pupil) has given **explicit consent**
- The data needs to be processed to perform or exercise obligations or rights in relation to **employment, social security or social protection law**
- The data needs to be processed to ensure the **vital interests** of the individual or another person, where the individual is physically or legally incapable of giving consent
- The data has already been made **manifestly public** by the individual
- The data needs to be processed for the establishment, exercise or defence of **legal claims**
- The data needs to be processed for reasons of **substantial public interest** as defined in legislation
- The data needs to be processed for **health or social care purposes**, and the processing is done by, or under the direction of, a health or social work professional or by any other person obliged to confidentiality under law
- The data needs to be processed for **public health reasons**, and the processing is done by, or under the direction of, a health professional or by any other person obliged to confidentiality under law
- The data needs to be processed for **archiving purposes**, scientific or historical research purposes, or statistical purposes, and the processing is in the public interest

For criminal offence data, we will meet both a lawful basis and a condition set out under data protection law. Conditions include:

- The individual (or their parent/carer when appropriate in the case of a pupil) has given **consent**
- The data needs to be processed to ensure the **vital interests** of the individual or another person, where the individual is physically or legally incapable of giving consent
- The data has already been made **manifestly public** by the individual
- The data needs to be processed for or in connection with legal proceedings, to obtain legal advice, or for the establishment, exercise or defence of **legal rights**
- The data needs to be processed for reasons of **substantial public interest** as defined in legislation

Whenever we first collect personal data directly from individuals, we will provide them with the relevant information required by data protection law.

We will always consider the fairness of our data processing. We will ensure we do not handle personal data in ways that individuals would not reasonably expect, or use personal data in ways which have unjustified adverse effects on them.

7.2 Limitation, minimisation and accuracy

We will only collect personal data for specified, explicit and legitimate reasons. We will explain these reasons to the individuals when we first collect their data.

If we want to use personal data for reasons other than those given when we first obtained it, we will inform the individuals concerned before we do so, and seek consent where necessary.

Staff must only process personal data where it is necessary in order to do their jobs.

We will keep data accurate and, where necessary, up to date. Inaccurate data will be rectified or erased when appropriate.

In addition, when staff no longer need the personal data they hold, they must ensure it is deleted or anonymised. This will be done in accordance with the school's record retention schedule.

8. Sharing personal data

We will not normally share personal data with anyone else without consent, but there are certain circumstances where we may be required to do so. These include, but are not limited to, situations where:

- There is an issue with a pupil or parent/carer that puts the safety of our staff at risk
- We need to liaise with other agencies – we will seek consent as necessary before doing this
- Our suppliers or contractors need data to enable us to provide services to our staff and pupils – for example, IT companies. When doing this, we will:
 - Only appoint suppliers or contractors that can provide sufficient guarantees that they comply with UK data protection law
 - Establish a contract with the supplier or contractor to ensure the fair and lawful processing of any personal data we share
 - Only share data that the supplier or contractor needs to carry out their service

We will also share personal data with law enforcement and government bodies where we are legally required to do so.

We may also share personal data with emergency services and local authorities to help them to respond to an emergency situation that affects any of our pupils or staff.

Where we transfer personal data internationally, we will do so in accordance with UK data protection law.

9. Subject access requests and other rights of individuals

9.1 Subject access requests

Individuals have a right to make a 'subject access request' to gain access to personal information that the school holds about them. This includes:

- Confirmation that their personal data is being processed
- Access to a copy of the data

- The purposes of the data processing
- The categories of personal data concerned
- Who the data has been, or will be, shared with
- How long the data will be stored for, or if this isn't possible, the criteria used to determine this period
- Where relevant, the existence of the right to request rectification, erasure or restriction, or to object to such processing
- The right to lodge a complaint with the ICO or another supervisory authority
- The source of the data, if not the individual
- Whether any automated decision-making is being applied to their data, and what the significance and consequences of this might be for the individual
- The safeguards provided if the data is being transferred internationally

Subject access requests can be submitted in any form, but we may be able to respond to requests more quickly if they are made in writing and include:

- Name of individual
- Correspondence address
- Contact number and email address
- Details of the information requested

If staff receive a subject access request in any form, they must immediately forward it to the DPO.

9.2 Children and subject access requests

Personal data about a child belongs to that child, and not the child's parents or carers. For a parent or carer to make a subject access request with respect to their child, the child must either be unable to understand their rights and the implications of a subject access request, or have given their consent.

Children below the age of 12 are generally not regarded to be mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents or carers of pupils at our school may be granted without the express permission of the pupil. This is not a rule and a pupil's ability to understand their rights will always be judged on a case-by-case basis.

Children aged 12 and above are generally regarded to be mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents or carers of pupils at our school may not be granted without the express permission of the pupil. This is not a rule and a pupil's ability to understand their rights will always be judged on a case-by-case basis.

9.3 Responding to subject access requests

When responding to requests, we:

- May ask the individual to provide 2 forms of identification
- May contact the individual via phone to confirm the request was made
- Will respond without delay and within 1 month of receipt of the request (or receipt of the additional information needed to confirm identity, where relevant)
- Will provide the information free of charge
- May tell the individual we will comply within 3 months of receipt of the request, where a request is complex or numerous. We will inform the individual of this within 1 month, and explain why the extension is necessary

We may not disclose information for a variety of reasons, such as if it:

- Might cause serious harm to the physical or mental health of the pupil or another individual
- Would reveal that the child is being or has been abused, or is at risk of abuse, where the disclosure of that information would not be in the child's best interests
- Would include another person's personal data that we can't reasonably anonymise, and we don't have the other person's consent and it would be unreasonable to proceed without it
- Is part of certain sensitive documents, such as those related to crime, immigration, legal proceedings or legal professional privilege, management forecasts, negotiations, confidential references, or exam scripts

If the request is unfounded or excessive, we may refuse to act on it, or charge a reasonable fee to cover administrative costs. We will take into account whether the request is repetitive in nature when making this decision.

When we refuse a request, we will tell the individual why and tell them they have the right to complain to the ICO or they can seek to enforce their subject access right through the courts.

9.4 Other data protection rights of the individual

In addition to the right to make a subject access request (see above), and to receive information when we are collecting their data about how we use and process it (see section 7), individuals also have the right to:

- Withdraw their consent to processing at any time
- Ask us to rectify, erase or restrict processing of their personal data (in certain circumstances)
- Prevent use of their personal data for direct marketing
- Object to processing that has been justified on the basis of public interest, official authority or legitimate interests
- Challenge decisions based solely on automated decision making or profiling (i.e. making decisions or evaluating certain things about an individual based on their personal data with no human involvement)

- Be notified of a data breach (in certain circumstances)
- Make a complaint to the ICO
- Ask for their personal data to be transferred to a third party in a structured, commonly used and machine-readable format (in certain circumstances)

Individuals should submit any request to exercise these rights to the DPO. If staff receive such a request, they must immediately forward it to the DPO.

10. Parental requests to see the educational record

Parents, or those with parental responsibility, have a legal right to free access to their child's educational record (which includes most information about a pupil) within 15 school days of receipt of a written request.

If the request is for a copy of the educational record, the school may charge a fee to cover the cost of supplying it.

This right applies as long as the pupil concerned is aged under 18.

There are certain circumstances in which this right can be denied, such as if releasing the information might cause serious harm to the physical or mental health of the pupil or another individual, or if it would mean releasing exam marks before they are officially announced.

11. CCTV

We use CCTV in various locations around the school site to ensure it remains safe. We will follow the [ICO's guidance](#) for the use of CCTV and comply with data protection principles.

We do not need to ask individuals' permission to use CCTV, but we make it clear where individuals are being recorded. Security cameras are clearly visible and accompanied by prominent signs explaining that CCTV is in use.

Any enquiries about the CCTV system should be directed to Tracey Hooker, Finance and Facilities Manager.

12. Photographs and videos

As part of our school activities, we may take photographs and record images of individuals within our school.

We will obtain written consent from parents/carers for photographs and videos to be taken of their child for communication, marketing and promotional materials. We will clearly explain how the photograph and/or video will be used to both the parent/carer and the pupil.

Any photographs and videos taken by parents/carers at school events for their own personal use are not covered by data protection legislation. However, we will ask that photos or videos with other pupils are not shared publicly on social media for safeguarding reasons, unless all the relevant parents/carers have agreed to this.

We will obtain written consent from parents/carers, or pupils aged 18 and over, for photographs and videos to be taken of pupils for communication, marketing and promotional materials.

Where we need parental consent, we will clearly explain how the photograph and/or video will be used to both the parent/carer and the pupil. Where we don't need parental consent, we will clearly explain to the pupil how the photograph and/or video will be used.

Any photographs and videos taken by parents/carers at school events for their own personal use are not covered by data protection legislation. However, we will ask that photos or videos with other pupils are not shared publicly on social media for safeguarding reasons, unless all the relevant parents/carers (or pupils where appropriate) have agreed to this.

Where the school takes photographs and videos, uses may include:

- Within school on notice boards and in school brochures, newsletters, etc.
- Outside of school by external agencies such as newspapers and campaigns
- Online on our school website or social media pages

Consent can be refused or withdrawn at any time. If consent is withdrawn, we will delete the photograph or video and not distribute it further.

When using photographs and videos in this way we will not accompany them with any other personal information about the child, to ensure they cannot be identified.

See our Child Protection and Safeguarding Policy, Staff Code of Conduct Policy and the ICI acceptable Use Policy for more information on our use of photographs and videos.

13. Artificial intelligence (AI)

The use of AI tools and generative chatbots (such as ChatGPT and Google Bard) is not permitted at Philpots (see the ICT and Acceptable Use Policy).

14. Data protection by design and default

We will put measures in place to show that we have integrated data protection into all of our data processing activities, including:

- Appointing a suitably qualified DPO, and ensuring they have the necessary resources to fulfil their duties and maintain their expert knowledge
- Only processing personal data that is necessary for each specific purpose of processing, and always in line with the data protection principles set out in relevant data protection law (see section 6)
- Completing data protection impact assessments where the school's processing of personal data presents a high risk to rights and freedoms of individuals, and when introducing new technologies (the DPO will advise on this process)
- Integrating data protection into internal documents including this policy, any related policies and privacy notices
- Regularly training members of staff on data protection law, this policy, any related policies and any other data protection matters; we will also keep a record of attendance

- Regularly conducting reviews and audits to test our privacy measures and make sure we are compliant
- Appropriate safeguards being put in place if we transfer any personal data outside of the UK, where different data protection laws may apply
- Maintaining records of our processing activities, including:
 - For the benefit of data subjects, making available the name and contact details of our school and DPO, and all information we are required to share about how we use and process their personal data (via our privacy notices)
 - For all personal data that we hold, maintaining an internal record of the type of data, type of data subject, how and why we are using the data, any third-party recipients, any transfers outside of the UK and the safeguards for those, retention periods and how we are keeping the data secure

15. Data security and storage of records

We will protect personal data and keep it safe from unauthorised or unlawful access, alteration, processing or disclosure, and against accidental or unlawful loss, destruction or damage.

In particular:

- Paper-based records and portable electronic devices, such as laptops and hard drives that contain personal data, are kept under lock and key when not in use
- Papers containing confidential personal data must not be left on office and classroom desks, on staffroom tables, or left anywhere else where there is general access
- Where personal information needs to be taken off site, staff must sign it in and out from the school office
- Passwords that are at least 10 characters long containing letters and numbers are used to access school computers, laptops and other electronic devices. Staff and pupils are reminded that they should not reuse passwords from other sites
- Staff and pupils who store personal information on their personal devices are expected to follow the same security procedures as for school-owned equipment (see our ICT and Acceptable Use Policy and Staff Code of Conduct Policy).
- Where we need to share personal data with a third party, we carry out due diligence and take reasonable steps to ensure it is stored securely and adequately protected (see section 8)

16. Disposal of records

Personal data that is no longer needed will be disposed of securely. Personal data that has become inaccurate or out of date will also be disposed of securely, where we cannot or do not need to rectify or update it.

For example, we will shred or incinerate paper-based records and overwrite or delete electronic files. We may also use a third party to safely dispose of records on the school's

behalf. If we do so, we will require the third party to provide sufficient guarantees that it complies with data protection law.

17. Personal data breaches (Appendix 1)

The school will make all reasonable endeavours to ensure that there are no personal data breaches.

In the unlikely event of a suspected data breach, we will follow the procedure set out in Appendix 1.

When appropriate, we will report the data breach to the ICO within 72 hours after becoming aware of it. Such breaches in a school context may include, but are not limited to:

- A non-anonymised dataset being published on the school website, which shows the exam results of pupils eligible for the pupil premium
- Safeguarding information being made available to an unauthorised person
- The theft of a school laptop containing non-encrypted personal data about pupils

18. Training

All staff and volunteers are provided with data protection training as part of their induction process.

Data protection will also form part of continuing professional development, where changes to legislation, guidance or the school's processes make it necessary.

19. Monitoring arrangements

The DPO is responsible for monitoring and reviewing this policy.

This policy will be reviewed every 2 years and approved by the Senior Management Team.

20. Links with other policies

This data protection policy is linked to our:

- Freedom of information publication scheme
- [Staff Code of Conduct Policy](#)
- [ICT and Acceptable Use Policy](#)
- [Data Retention Policy](#)

Appendix 1: Personal Data Breach Procedure

This procedure is based on guidance on personal data breaches produced by the Information Commissioner's Office (ICO).

- On finding or causing a breach or potential breach, the staff member or data processor must immediately notify the data protection officer (DPO) by emailing steven.ogilvie@philpotsmanorschool.co.uk and complete the Report a GDPR Form.
- The DPO will investigate the report and determine whether a breach has occurred. To decide, the DPO will consider whether personal data has been accidentally or unlawfully:
 - Lost
 - Stolen
 - Destroyed
 - Altered
 - Disclosed or made available where it should not have been
 - Made available to unauthorised people
- Staff will co-operate with the investigation (including allowing access to information and responding to questions). The investigation will not be treated as a disciplinary investigation
- If a breach has occurred or it is considered to be likely that is the case, the DPO will alert the headteacher, Finance and Facilities Manager and the HR Manager.
- The DPO will make all reasonable efforts to contain and minimise the impact of the breach. Relevant staff members or data processors should help the DPO with this where necessary, and the DPO should take external advice when required (e.g. from IT providers). (See the actions relevant to specific data types at the end of this procedure).
- The DPO will assess the potential consequences (based on how serious they are and how likely they are to happen) before and after the implementation of steps to mitigate the consequences.
- The DPO will work out whether the breach must be reported to the ICO and the individuals affected using the ICO's self-assessment tool
- The DPO will document the decisions (either way), in case the decisions are challenged at a later date by the ICO or an individual affected by the breach. Documented decisions are stored in the HR Office.
- Where the ICO must be notified, the DPO will do this via the 'report a breach' page of the ICO website, or through its breach report line (0303 123 1113), within 72 hours of the school's awareness of the breach. As required, the DPO will set out:
 - A description of the nature of the personal data breach including, where possible:
 - The categories and approximate number of individuals concerned

- The categories and approximate number of personal data records concerned
 - The name and contact details of the DPO
 - A description of the likely consequences of the personal data breach
 - A description of the measures that have been, or will be taken, to deal with the breach and mitigate any possible adverse effects on the individual(s) concerned
- If all the above details are not yet known, the DPO will report as much as they can within 72 hours of the school's awareness of the breach. The report will explain that there is a delay, the reasons why, and when the DPO expects to have further information. The DPO will submit the remaining information as soon as possible
 - Where the school is required to communicate with individuals whose personal data has been breached, the DPO will tell them in writing. This notification will set out:
 - A description, in clear and plain language, of the nature of the personal data breach
 - The name and contact details of the DPO
 - A description of the likely consequences of the personal data breach
 - A description of the measures that have been, or will be, taken to deal with the data breach and mitigate any possible adverse effects on the individual(s) concerned
 - The DPO will consider, in light of the investigation and any engagement with affected individuals, whether to notify any relevant third parties who can help mitigate the loss to individuals – for example, the police, insurers, banks or credit card companies
 - The DPO will document each breach, irrespective of whether it is reported to the ICO. For each breach, this record will include the:
 - Facts and cause
 - Effects
 - Action taken to contain it and ensure it does not happen again (such as establishing more robust processes or providing further training for individuals)

Records of all breaches will be stored in the HR Office.

- The DPO and headteacher will meet to review what happened and how it can be stopped from happening again. This meeting will happen as soon as reasonably possible
- The DPO and headteacher will meet termly to assess recorded data breaches and identify any trends or patterns requiring action by the school to reduce risks of future breaches

Actions to minimise the impact of data breaches

We set out below the steps we might take to try and mitigate the impact of different types of data breach if they were to occur, focusing especially on breaches involving particularly risky or sensitive information. We will review the effectiveness of these actions and amend them as necessary after any data breach.

Sensitive information being disclosed via email (including safeguarding records)

- If special category data (sensitive information) is accidentally made available via email to unauthorised individuals, the sender must attempt to recall the email as soon as they become aware of the error.
- Members of staff who receive personal data sent in error must alert the sender and the DPO as soon as they become aware of the error
- If the sender is unavailable or cannot recall the email for any reason, the DPO will ask the external IT support provider to attempt to recall it from external recipients and remove it from the school's email system (retaining a copy if required as evidence)
- In any cases where the recall is unsuccessful or cannot be confirmed as successful, the DPO will consider whether it's appropriate to contact the relevant unauthorised individuals who received the email, explain that the information was sent in error, and request that those individuals delete the information and do not share, publish, save or replicate it in any way
- The DPO will endeavor to obtain a written response from all the individuals who received the data, confirming that they have complied with this request
- The DPO will carry out an internet search to check that the information has not been made public; if it has, we will contact the publisher/website owner or administrator to request that the information is removed from their website and deleted
- If safeguarding information is compromised, the DPO will inform the designated safeguarding lead and discuss whether the school should inform any, or all, of its 3 local safeguarding partners
- Details of pupil premium interventions for named children being published on the school website
- Non-anonymised pupil exam results or staff pay information being shared
- A school laptop containing non-encrypted sensitive personal data being stolen or hacked
- Hardcopy reports sent to the wrong pupils or families

Form to report a GDPR Data Breach

This form is to be used by any member of staff at Philpots Manor School to report potential breaches of data security.

Name of Staff Member reporting breach:

Signed:

Contact Details:

Details of Breach:

(Please complete the sections that are unshaded)

Date of Breach	
Date the breach was discovered	
Who was the breach discovered by	
Breach details	
Who is affected by the breach	
If there was a delay between discovery and reporting, please outline why?	
How was the breach dealt with?	
Was the breach reported to ICO. If not, why not?	
What actions have been put in place to mitigate to risk of a re-occurrence of this breach?	

Appendix 2: Data Protection Exams

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Key staff involved in the policy

Purpose of the policy

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Section 2 – Informing candidates of the information held

Section 3 – Hardware and software

Section 4 – Dealing with data breaches

Section 5 – Candidate information, audit and protection measures

Section 6 – Data retention periods

Section 7 – Access to information

Section 8 – Table recording candidate exams-related information held

Key staff involved in the policy

Role	Name(s)
Head of centre	Gina Wagland, Headteacher
Exams officer	Sue Cheshire, Head of Quality and Systems
Senior leader(s)	Debra Richmond, Deputy Head Emma Williams, Head of Academic Curriculum
IT manager	Tracey Hooker, Finance and Facilities Manager
Data manager	Tracey Hooker, Finance and Facilities Manager
DPO	Steven Ogilvie, Proprietor

This policy is reviewed annually to ensure compliance with current regulations

Purpose of the policy

This policy details how Philpots Manor 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) 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.

It is the responsibility of the centre to inform candidates of the processing that the centre undertakes. For example, that the centre will provide relevant personal data, including name, date of birth and gender to the awarding bodies for the purpose of examining and awarding qualifications.

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

To ensure that the centre meets the requirements of the DPA 2018 and UK 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 below.

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

- Awarding bodies
- Joint Council for Qualifications (JCQ)
- Local Authorities
- Further Education organisations

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

- hard copy
- email
- secure extranet site(s) – Pearson Edexcel Online; WJEC exams portal; AQA exams portal
- Management Information System (MIS) provided by LearnTrek

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

Section 2 – Informing candidates of the information held

Philpots Manor School ensures that candidates are fully aware of the information and data held.

All candidates are:

- informed via face-to-face communication as well as in written format via their Exams and Assessment Handbook and /or by email, letter or the school's newsletter

- given access to this policy via the centre’s website or by verbal or written request (email)

Candidates are made aware of the above when the registrations/entries are submitted to awarding bodies for processing.

Materials which are submitted by candidates for assessment may include any form of written work, audio and visual materials, computer programs and data (“Student Materials”). Candidates will be directed to the relevant awarding body’s privacy notice if they require further information about how their Student Materials may be used by the awarding body.

Candidates eligible for access arrangements/reasonable adjustments which require awarding body approval will be informed that an application for access arrangements will be processed using *Access arrangements online*, complying with the UK GDPR and the Data Protection Act 2018.

Candidates involved in suspected or alleged malpractice will be informed that their personal data will be provided to the awarding body (or bodies) whose examinations/assessments are involved, and that personal data about them may also be shared with other awarding bodies, the qualifications regulator or professional bodies, in accordance with the JCQ document *Suspected Malpractice – Policies and Procedures*.

Candidates will be informed:

- that awarding bodies may be required to provide a candidate’s personal data to educational agencies, such as DfE, Welsh Government, Department of Education (Northern Ireland), ESFA, regulators, HESA, UCAS, Local Authorities and the Learning Records Service (LRS)
- that their personal data may be provided to a central record of qualifications approved by the awarding bodies for statistical and policy development purposes
- of the processing that the centre undertakes, for example, that the centre will provide relevant personal data, including name, date of birth and gender, to the awarding bodies for the purpose of examining and awarding qualifications

Candidates may obtain access to their personal data, such as examination results by applying to the appropriate awarding body’s data protection officer.

Candidates are also referred to the centre’s privacy notice which explains:

- why Philpots Manor School needs to collect personal data
- what it plans to do with it
- how long it will keep it
- whether it will be sharing it with any other organisation

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 computers are used by exams administrators Laptop is used by Exams Officer and SLT	Desktop computers purchase date: Feb 2026 Laptops 2024 onwards Hardware is checked for anything untoward using Avast Anti-Virus	1 year warranty

	software weekly and investigated by our IT support partner, Trailblaze IT.	
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Software/online system	Protection measure(s)
<p>LearnTrek is the school's MIS system</p> <p>Microsoft SharePoint is used to store exam information which is accessible by the Exams Officer, exams administration, SLT and subject teachers where appropriate</p> <p>Exam portals used by the school are accessible using password protected log ins and an authentication app which is allocated and monitored by the exams officer.</p> <p>Online access to exam portals includes ;</p> <p>Pearson Edexcel Online</p> <p>AQA online portal</p> <p>Eduqas online portal</p>	<p>Sharepoint & Learntrek</p> <p>Only the Finance and Facilities Manager, Headteacher and HR Manager can request new user logins to Sharepoint.</p> <p>Microsoft passwords require a minimum of 8 characters, a maximum of 256 characters and must include uppercase, lowercase, numbers and special characters. All users are strongly encouraged to use multi-factor authentication which is enabled for all staff users.</p> <p>New users are required to change their passwords on first login. Staff passwords do not expire after several weeks in accordance with Microsoft's guidance as users are more likely to write down their passwords and use the same passwords in many places if they are required to regularly change them.</p> <p>Passwords must be strong and kept confidential. Every user has a unique username and staff are not permitted to use another user's login.</p> <p>Access to folders on Sharepoint is managed by membership of groups.</p> <p>On the day of leaving the school's employment all leavers user accounts are blocked or closed.</p> <p>Lists of users and group membership are reviewed regularly to ensure appropriate access.</p>

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

The 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 intrane
- secure drive accessible only to selected staff
- information held in secure area (shared folder system in place)
- updates undertaken as available (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 in Appendix 17 of Philpots Manor School's Exam Policy 25-26.

Section 7 – Access to information

(With reference to ICO information <https://ico.org.uk/for-the-public/schools/exam-results/>)

The UK 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 Gina Wagland (Headteacher and Head of Centre) in writing by email. ID will be checked using electronic records and copies of any certificates if a former candidate is unknown to current staff. The school can also use the ULN numbers where available to check ID.

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 the headteacher 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 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 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 (Last 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

Philpots Manor School will publish exam results to their website and 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. The school will publish results by subject and total numbers who pass.

As Philpots Manor 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 the headteacher 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.

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 Diagnostic testing outcome(s) Specialist report(s) (may also include candidate address) Evidence of normal way of working	Access Arrangements Online MIS records School learner folders (Microsoft Share Point)	MFA; Secure user name and password Locked storage where paper copies only	archive evidence between five and seven years. This provides opportunity for sharing of information, under Freedom of Information requests, alongside opportunity for students to request further information for evidence for Disabled Students Allowance.
Alternative site arrangements		Candidate Name Candidate Number Subject Examined	MIS JCQ CAP	Secure User names and passwords	
Attendance registers copies		Candidate Name Candidate Number	In secure exams room	Locked in exams room	Destroyed after appeal period has passed
Candidates' scripts		Candidate Name Candidate Number	In secure exam room	Locked in exam room safe	Until collected by postal service (usually within 48 hours)
Candidates' work		Candidate Name Candidate Number	In secure room for current work by subject and /or electronically	Locked exam room Password security in place	Until posted if current year or follow archiving policy dates
Certificates		Candidate Name Candidate Number Qualifications gained	In secure exam room	In secure exam room	Until collected/posted or archived after one year until student file destroyed (see archiving policy)
Certificate destruction information		Candidate Name Candidate Number Qualifications gained	Electronically in exams folder	Secure Password and restricted access	Destroyed after students turn 25 or 31 for SEN
Certificate issue information	Certificates are posted home in the term after leavers take	Candidate Name Candidate Number Qualifications gained	Electronic spreadsheet accessible by exams team	Secure Password and shared status to exams	See archiving policy

	exams or collected during the year if received in year			folder	
Conflicts of interest records		Student Name Parent/ Contact Details Subjects entered for	Electronic records	Secure Password and shared status to exams folder	See archiving policy
Entry information		Candidate Name Candidate Number Entry Information	Electronic records (MIS planned 25/26)	Secure Password and shared status to exams folder	See archiving policy
Exam room incident logs		Candidate Name Candidate Number	Secure exams room	Physical exams folder locked in secure exams room	Destroyed when exams series is completed
Invigilator and facilitator training records		Invigilator Name and Email address	The Exams Office portal Electronic records	Secure log in and password	Destroyed when chance of appeal has passed
Overnight supervision information		Candidate Name Candidate Number Candidate Postal Address	Exams office	Locked in secure exams room	Destroyed when chance of appeal has passed
Post-results services: confirmation of candidate consent information		Candidate Name Candidate Number Email Address	Post results folder	Exams office	Destroyed when chance of appeal has passed
Post-results services: requests/outcome information		Candidate Name Candidate Number	Post results folder	Exams office	Destroyed when chance of appeal has passed
Post-results services: scripts provided by ATS service		Candidate Name Candidate Number Marks/ grade awarded	Secure awarding body portal	Secure log in and password	Destroyed when chance of appeal has passed
Post-results services: tracking logs		Candidate Name Candidate Number Marks/ awards	Electronic file (exams folder)	Secure login and password, limited access to Exams officer, Head of Curriculum and Head of Centre	Destroyed when chance of appeal has passed

Private candidate information		n/a			
Resilience arrangements: Evidence of candidate performance		Copies of mock papers (physical or electronic)	Locked storage in Head of Academic's office	Locked storage accessible by SLT only	Until chance of further appeal has passed
Resolving timetable clashes information		Candidate Name Candidate Number Exams being sat	Electronic exams folder In resolution plan	Secure Logins and passwords	
Results information		Candidate Name Candidate Number Exam Results	Excel Spreadsheet held by Exams Manager Plans for MIS in 25/26	Secure Logins and passwords	See archiving policy
Seating plans		Candidate Name Candidate Number Access arrangements	Exams physical folder in secure exams room	Exams physical folder in secure exams room	End of exam series
Special consideration information		Candidate Name Candidate Number Personal information relevant to the application e.g. health/sickness incident	Exams office	Exams physical folder in secure exams room	Destroyed when exam series/ appeals process is complete
Suspected malpractice reports/outcomes		Candidate Name Candidate Number Personal information relevant to the application e.g. evidence supported malpractice	Exams office	Exams physical folder in secure exams room	Destroyed when exam series/ appeals process is complete
Transferred candidate arrangements		Candidate Name Candidate Number	Exams office	Exams physical folder in secure exams room	Destroyed when exam series/ appeals process is complete
Very late arrival reports/outcomes		Candidate Name Candidate Number	Exams office	Exams physical folder in secure exams room	Destroyed when exam series/ appeals process is complete