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Important - Please pass to your Business Manager

## Releasing Examination Information in relation to COVID-19



A lot of schools are contacting us regarding **Data Protection** in the light of the Ofqual proposed **revised system** for **awarding grades** in public examinations in the light of Covid-19.

We have put together a briefing note to help you with this as far as is possible so far. Proposals have **not** yet been finalised and since the consultation ended on the **29<sup>th</sup> April** this may take a while. If things change, we will publish an update.

The issue from a **Data Protection perspective** is how schools should deal with a **Subject Access Request** or **Freedom of Information request** in relation to exam rankings and gradings.

Our **full current** advice can be found via the [link](#). We know there is a lot to it but it should help you in deciding **what to do** if you have a difficulty.

You might also want to refer to our overall **SAR guidance** which can be found in our **Members' Area** here:

<https://onewest.co.uk/my-account/members-area/guidance/>

**Some key points are:**

- Remind staff of whom they should contact if they receive a request from a student or parent asking for **personal information** about **individuals** including students, especially one relating to the examinations process.
- When writing **emails** or **any form** of written correspondence remind staff that, as always, they should:
  - Record information in a way that they would **feel comfortable** releasing to the student or their parents.
  - Delete drafts once they are no longer **needed**.
  - Retain emails in accordance with the School's **retention policy** and **save them** to the appropriate folder.
  - Communicate **only** via the school's **official channels**. Staff should not be tempted to discuss students via Whatsapp, personal emails or texts on personal devices etc. If **not** adhered to this could result in personal devices or accounts being **liable to be searched** in the event of a subject access request.

Of special importance, requests for **minutes of meetings** around the way in which students will be graded or ranked, could be requested under Freedom of Information legislation.

Ofqual advise from their perspective this should **not** be released to the student or parents.

In relation to **Data protection legislation** it is possible that the information may fall within an **exemption** and thus **not** have to be released, but this needs to be carefully considered on a **case by case** basis. We can help with that.

We do not advise schools as **standard** on Freedom of Information, but because of circumstances and understanding the difficulty this might cause you, we **will** help you consider requests where they relate to release of examinations information, but a modest charge may apply.

We appreciate this is a complicated area so hope this helps!

We send our bulletins regularly with lots of useful information. You should be receiving these but if you are interested in what we have to say you can check this out via:

<https://onewest.co.uk/free-resources/news-and-bulletins/newsletters/>

**Thanks**

**The One West team.**



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**Our mailing address is:**

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