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**Please pass to your Business Management &
Leadership Team**

**Exam Script exemptions – your
obligations from a DPO perspective**



School has started but you still might be wondering - Does the exam script exemption apply this year?

The ICO has issued some excellent guidance on this – here is our summary

The answer generally is **yes**, they will still apply to the information used to award students' grades.

This means that you **don't** have to provide a response to requests from students for information until **after** exam results are published.

If you received a request from a student **before** the official results were announced the exemption allows for **longer** response times. The timeframe for responding to these requests is either:

- within five months of receiving the request
- or**
- within 40 days of announcing the exam results

You take which ever date is **earliest**.

Requests made **after** the results are announced can be dealt with as a normal subject access request, i.e. within **one month** of receipt of the request.

However, the ICO understands there may be delays during the pandemic and intends to be reasonable.

How does the exam script exemption apply this year though?

The exam script exemption does **not** exempt from providing the teacher assessments and/or rank orders to students.

Further it is thought likely that schools will **continue** to receive subject access requests from students asking to see information about how their grades have been decided this year.

The exam script exemption applies to information that has been recorded by the students themselves during an exam or assessment. Therefore students do **not** have a right to get copies of their answers from mock exams or assignments used to assess their performance .

After results are issued, schools and colleges may choose to **proactively** provide students with their centre assessment grade and/or rank order information. The guidance welcomes this but **emphasises** the need to do it **well**.

What if the information requested could reveal something about another individual?

Some **concerns** have been raised that the disclosure of rank orders within small cohorts could reveal the rank orders of other students.

When disclosing information an organisation needs to consider if it would reveal something about **another** individual.

If so, then **safety** is best you need to think about whether it would be reasonable to disclose it rather than withhold it.

The full article can be read via:

<https://ico.org.uk/about-the-ico/news-and-events/news-and-blogs/2020/08/guidance-on-students-access-to-information-about-their-exam-results/#:~:text=The%20exam%20script%20exemption%20applies,used%20to%20assess%20their%20performance%20.>

If you have some concerns about what's required we would like to help.

Want to know more? We would be very happy to talk.

Drop a line to us via: **steve_debruin@bathnes.gov.uk**

You might also like to check out our website: **www.onewest.co.uk**

Thanks & we look forward to speaking with you.

The One West Team



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Our mailing address is:

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