

Exam Results, GDPR and Students Requesting their Data.

As an extraordinary results season looms, schools need to be ready for the possibility that students will ask for the data that determined their grades.

When the pandemic forced our schools into lockdown the summer exams were immediately cancelled. With no summer exams, our education system was forced to adopt a different system in order to assess pupil performance. This system is based on grades determined by schools ('Centre Assessed Grades', or CAGs) which were sent to the exam boards for moderation along with a rank order of students in each subject.

So far, so good, but there is always a sting in the tail when it comes to data.

Ofqual indicated that information supplied by schools to exam boards wouldn't be disclosable to students and would be confidential. However, that stance changed at the end of July when the body confirmed that schools can provide students with CAGs and rank order information if they ask for it. Ofqual also asked schools to consider whether additional information should be provided to students, such as supporting documentation like assignment results or records of performance, if they request it.

Students can only ask for this information on or after results day. If asked before results day, schools should refuse and ask their DPO (Data Protection Officer) for advice and assistance on how to handle the request.

Students can't appeal against the CAG or rank order, but they can challenge the school if they think the school did not behave with care or integrity when determining this data. It has been confirmed that they will be able to appeal against their final results, in limited circumstances.

So, where do schools stand?

[Judicium Education](#) acts as the [DPO](#) to over 1500 schools across England and Wales.

We've used this experience to put together a simple guide to help schools handle this process:

1. Make sure requests are made by students only. Parents can only make a request with the student's permission.
2. You can release CAGs to students without prompting but we do not recommend this as staff will have to find the time to answer the inevitable questions.
3. Releasing CAGs on the same day as their final grading is not recommended – it's likely to cause confusion if two different gradings are in circulation.
4. Let students know their options. Make them aware that they can request this data.

5. Deal with concerns and requests informally at first, with the option to hold informal discussions with students who either express concern or make a request.
6. Not every request needs to be formalised as a Subject Access Request (SAR). Provided the request is straightforward, you can provide the data requested without formalising it, saving paperwork and time. This will, of course, depend on the complexity of the data requested. For example, if a student just asks for CAG and/or rank order then this can just be provided, as long as rank order doesn't lead to identification of individual students. If they ask for supporting documentation you may want to take time to consider what to provide the student and treat it as a SAR.
7. Assign a specific colleague to deal with the administration of requests (collecting relevant data etc). This will make it easier when dealing with straightforward requests such as CAGs. If you are unsure whether to treat a request as a SAR, we would be happy to advise, if you've appointed Judicium as your DPO.
8. If students are not happy to resolve the matter informally with the school, they can submit a SAR, or can appeal to the exam board.
9. If you get a number of informal CAG requests keep an evidential record of who has made the request, the date of the request and the response and what has been provided. This will help if the matter is escalated to the ICO (Information Commissioner's Office) or exam board.
10. These are one-off circumstances so there is no requirement to have a policy in place. But setting out the procedure to students through a letter, for example can help ensure a smoother handling of requests following results day. Judicium can provide template letters, and tailor-them to your unique needs.

Next steps:

- The latest Ofqual guidance is available [here](#)
- [Judicium provides DPO services to schools and MATs](#)

If you're interested in reviewing your school / MAT's DPO provision for 2020 / 2021, please feel free to contact me personally.

I would be delighted to hear from you.

Kindest regards,

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