# Data Protection Act 1998/Freedom of Information Act 2000

The Information Commissioner’s Office [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk) has provided clarity on the exam information students are entitled to under the Data Protection Act 1998 (DPA) and the Freedom of Information Act 2000 (FOIA). Further information can also be found in the JISC Data Protection Code of Practice at [www.jisc.ac.uk](http://www.jisc.ac.uk)

Requests for exam information under the DPA should be dealt with within 40 days, although this period may be extended to within 5 months of the request or 40 days after the official release of results (whichever is sooner) where results have yet to be announced.

1. Students are entitled to see preliminary marks and comments that contribute to their final assessment. Marks are the personal data of the student concerned and in no circumstances should the marks received by individual students be publicly displayed in any form. Marks should not be disclosed to third parties without the student’s consent. All feedback to students about their marks should be in strict confidence. Results should not be discussed on the telephone unless the School has a procedure in place to verify the identity of the caller as the student concerned.

1. ‘Pass lists’ detailing which Qualifying Year, Part I and in the case of Undergraduate Masters Part II candidates are able to progress are not publicly displayed.

The University stopped the practice of publicly publishing pass lists in 2014/15. Schools may post pass lists under controlled conditions providing that the names of students who do not want to appear on the pass list have been removed.

Schools should provide students with an explanation of where and how their results will be posted. Students may object to having their results displayed by informing their Home School. The School will redact the ‘official’ pass list provided by the Academic Services Division before display.

1. Examination scripts are exempt from the DPA data subject access rules (this exemption covers any written assessment, coursework or fieldwork). Schools are under no obligation to allow students to see original scripts or copies of them, although they may do so voluntarily e.g. as part of the feedback process.

Comments made by an internal or external examiner whether on an examination script or on a separate sheet, that can be held and applied to the original script, may be accessible by the student as personal data and, therefore, should be intelligible and appropriate. Where possible, comments should be made on attached sheets rather than on the scripts themselves to facilitate making comments available to the student on request.

1. Boards of Examiners must have available the results for each candidate, and take into account variables such as extenuating circumstances, before a decision on degree class or progression is made. The automatic application of a degree classification or progression algorithm prior to the meeting, with just the degree class or progression status and an overall average mark or similar being reported to the meeting, is not acceptable.

Examination Board minutes may constitute personal data even if a student is not discussed by name but by candidate number. Schools may be requested to disclose copies of those parts of minutes of examination boards that refer to the student who is making the access request, unless the data cannot be disclosed without additionally disclosing personal data about a third party. Schools may also be requested to release minutes of any meeting that may take place outside of the main Examination Board e.g. to discuss Extenuating Circumstances, unless the data cannot be disclosed without additionally disclosing personal data about a third party.

Requests for exam information under the FOIA should be dealt with within 20 days of the request.

Under the provision of the Act, students may obtain general information such as policies and procedures. There are exemptions from disclosure for example where:

1. information is accessible by other means (e.g. available on the Web);
2. information is intended for future publication (e.g. currently available in draft format and intended to be published shortly);
3. personal data of a third party.