

Data Protection Impact Assessment (DPIA)

General Details

Project Title:	Award of Grades for approved GCSEs, AS and A level qualifications in Wales in Summer 2021
DPO Contact Details:	DPO@qualificationswales.org
Date DPIA Completed:	16/4/21

Screening Questions

Initial Screening Question

Will the project/system involve the processing of personal data or special category personal data?

YES - see further below a full description of the project.

Secondary Screening Questions

DPIAs required by the GDPR

1. Will the project/initiative involve large scale processing of special categories of data or criminal offence data?

The project will involve processing of special category personal data by centres primarily in the form of data relating to ethnicity and special educational needs (“SEN”) of learners with a view to ensuring compliance with their public sector equality duty. Further information in this regard can be found in the guidance of the Equalities and Human Rights Commission (“EHRC”), which is available via Hwb [here](#).

As part of the quality assurance processes to be undertaken by WJEC they may also obtain personal data relating to protected characteristics of learners from the Welsh Government.

The duration of the processing of any such data will be restricted only to the process of awarding grades to learners in Wales in summer 2021.

2. Will the project/initiative involve large scale, systematic monitoring of publicly accessible areas (e.g. CCTV)?

NO

3. Will the project/initiative use systematic and extensive profiling or automated decision-making to make decisions having legal or similarly significant effect(s) on people?

NO

DPIAs required by the ICO

1. Will the project/initiative use new technologies or the novel application of existing technologies (including AI)?

NO

2. Will the project/initiative use, to any extent, profiling, automated-decision making or special category data to help make decisions about an individual's access to a product, service, opportunity or benefit?

NO
3. Will the project/initiative involve large scale profiling of individuals?

NO
4. Will the project/initiative involve the processing of biometric data?

NO
5. Will the project/initiative involve the processing of genetic data (other than that processed by an individual GP or health professional for the provision of healthcare direct to the data subject)?

NO
6. Will the project/initiative involve combining, comparing or matching data from multiple different sources?

NO
7. Will the project/initiative involve collecting personal data from a source other than the individual, without providing them with a privacy notice because this would prove impossible or involve disproportionate effort ('invisible processing')?

NO
8. Will the project/initiative involve tracking the individuals' online/offline location and/or behaviour?

NO
9. Will the project/initiative involve processing children's or other vulnerable individuals' personal data for marketing, profiling or other automated decision making purposes, or to offer online services to them?

NO
10. Will the project/initiative involve the processing of data that might endanger the individual's health or safety in the event of a security breach?

NO

Screening Outcome

In light of the overall nature and scope of this project and the extent of processing (which will include processing of personal data of learners across Wales for the purpose of awarding grades in GCSE, AS and A levels) it is considered appropriate to conduct a full DPIA so as to ensure that data protection compliance has been properly assessed and any relevant impacts have been considered and mitigated as far as possible.

Full Data Protection Impact Assessment (DPIA)

Step 1: General Project Description

Project

The aim of this project is to provide for a fair and transparent means of awarding grades to the summer 2021 GCSE, AS and A level cohort of learners in Wales so as to enable them to progress to the next stages of their lives.

Due to the ongoing public health crisis at that time, on 18 March 2020 the Welsh Ministers announced the cancellation of summer exams in 2020. The Welsh Minister for Education subsequently directed QW to have due regard to their policy that the 2020 cohort of learners for GCSE, AS and A level qualifications should receive calculated grades. QW sought to establish a fair and robust approach to the awarding of grades in summer 2020. In the absence of the exam series it was proposed that grades would be calculated using a range of evidence, including centre assessment grades and rank orders. QW also required WJEC to use methods to 'standardise' or adjust the centre assessment data to produce 'calculated grades'. The aim of this process of standardisation was to ensure fairness between learners in summer 2020 and as against learners in other years.

In August 2020 it became apparent that there was unacceptability on the part of learners as to the grades that were being calculated by way of the process of standardisation. On 12 August 2020 the Welsh Ministers announced that A level grades would be no lower than the AS level grade previously awarded to the same learner. On 17 August 2020 the Welsh Ministers issued a further announcement that learners would be issued centre assessed grades in GCSE, AS and A level qualifications where these were higher than their calculated grade.

Following the award of grades in summer 2020 QW began to undertake work to determine how grades may be awarded in summer 2021 in the context of the ongoing COVID19 pandemic. QW began to engage with relevant stakeholders and develop potential options for the award of grades.

As a result of events in relation to summer 2020, in November 2020 the Welsh Minister for Education established a Design, Delivery and Advisory Group ("DDAG") which was to provide recommendations to the Welsh Minister for Education as to the awarding of grades in summer 2021. Those recommendations were made on 11 December 2020 and on 14 December 2020 QW were directed by the Welsh Minister for Education to have regard to the Welsh Government policy to adopt the proposals of the DDAG. On 15 December 2020 the QW Board met and decided to adopt the approach of regulating in accordance with that policy approach.

Circumstances subsequently changed due to an increase in the number of cases of COVID19 in Wales coming into the new year. On 4 January 2021 there was an announcement that schools and colleges would remain closed and that learners would move to remote learning. This change in position meant that the previous recommendation of the DDAG to the Welsh Minister for Education and the approach adopted by QW was no longer feasible and an alternative approach was required. The Minister for Education issued a Direction to QW setting out the policy position that a centre determined grades approach should be adopted and requiring QW to have regard to that policy position in deciding how grades would be awarded in summer 2021. A number of options were considered, as well as having regard to the Direction from the Minister for Education, and it was decided by QW to proceed with an

approach whereby grades would be determined by centres.

The adopted approach for the awarding of grades to learners in summer 2021 will therefore be as follows:

- Centres will determine grades in accordance with assessment plans and processes that they will be required to put in place for this purpose.
- To assist centres in doing so WJEC will put in place Qualification Assessment Frameworks and associated resources, which will be developed with reference to overall guidance published by Qualifications Wales.
- WJEC will require centres to operate an internal quality assurance process and will also develop and operate a programme of external quality assurance processes to ensure that they are satisfied with the assessment plans and processes that are put in place by centres in the context of the frameworks established by WJEC.

The relevant QW guidance that was current at the time of producing this DPIA can be found [here](#).

At the time of writing, the frameworks were in the process of being developed by WJEC. These frameworks, and the assessment plans and procedures of centres, will set out the nature of the evidence that will be taken into account by centres in determining grades for learners and the processes for doing so.

QW considers the approach that has been adopted to be a substantively fair approach for the determination of grades to be awarded to learners in summer 2021. QW will, in developing the alternative arrangements for assessment alongside WJEC, with feedback from the DDAG, seek to ensure that a substantively fair approach to the awarding of grades is achieved overall.

Processing Involved

The project will involve the processing of learner data by centres in Wales for the purposes of determining a grade to be awarded to each learner in summer 2021 in each subject in which they are currently taking a GCSE, AS or A level qualification. The exact process that is undertaken will depend on the nature of the assessment plan developed by each centre, but will include at least consideration by teachers of evidence of a learner's achievement and the determination of a grade for that learner based on the evidence taken into account by the centre. This may or may not involve some form of standardised assessment depending on the final assessment plan adopted by the centre. Centres will then produce a Decision Making Record in relation to each learner which will form the basis of the award of the grade to them in each of their subjects.

WJEC in their role as awarding body will process personal data in undertaking external quality assurance of the processes adopted and applied by each centre. WJEC will also process personal data of learners in the actual award of the grades determined for each learner by their centre.

QW will not process any personal data of learners for the purpose of awarding grades in summer 2021 (subject to where an appeal is advanced to QW - see below). Such processing will be undertaken by centres. The role of QW will be in developing overall guidance on the alternative arrangements for assessment, supporting the work of WJEC to develop Qualification Assessment Frameworks, further guidance and

supporting resources, and monitoring implementation of the approach against a regulatory framework.

An appeal process will apply in respect of the award of grades in summer 2021, at centre level, awarding body level and then finally to QW. If an appeal application is made to QW then QW will process personal data of learners as part of that appeals process.

QW will obtain personal data of learners from the Welsh Government for statistical purposes, however this is considered to be distinct from the awarding of grades itself and QW will produce a separate stand-alone DPIA in respect of that processing.

Need for a DPIA

As set out above, in light of the nature of this project it is considered appropriate for a full DPIA to be conducted so as to ensure that data protection compliance has been fully assessed with a view to assisting compliance by all of the relevant parties involved in the project.

Step 2: Systematic Description of the nature, scope, context and purposes of Processing

2.1 Describe the **nature** of the processing. What do you plan to do with the personal data?

2.1.1 How will you **collect** the data?

QW will not collect any personal data for the purposes of this project (which is restricted to the actual awarding grades) other than where appeals are submitted to QW on behalf of a learner.

Data will be processed primarily by centres in respect of learners who attend the centre. Such processing will take place in accordance with the assessment plans and procedures that each centre develops for the determination of grades in respect of learners at that centre. This may include consideration of existing evidence of learner performance as well as additional information generated for the purpose of determining an appropriate grade for each learner.

WJEC as the awarding body may also process personal data as part of its quality assurance processes and the award of the grades to learners as determined by centres.

There will be an appeal process available to learners in respect of the award of grades to them in summer 2021. This appeal process will have three stages, including a centre review, an appeal to WJEC, and finally a review request to QW pursuant to its Exam Procedures Review Service (“EPRS”). Should a learner seek to request an EPRS review then at this point personal data will be made available by the learner, the centre and the awarding body to QW in order to enable that process to be undertaken.

QW will process additional personal data for statistical research purposes linked to summer 2021 but this will be dealt with in a separate DPIA once the scope of the processing is clear.

2.1.2 How will you **store** the data?

QW will not store any personal data for the purposes of this project, unless a request is made to QW pursuant to the EPRS. QW has appropriate information security systems and measures in place to mitigate against any personal data breach (see 2.1.7 below). Any such data will be stored electronically in a secure area where access is limited to those persons dealing with the appeal.

It is a matter for centres and WJEC to ensure that they store any personal data that they process for the purposes of this project in a secure manner. QW expects that those bodies have appropriate security measures in place in relation to their existing day to day operations, however it is for those bodies to ensure that they maintain appropriate security of personal data for the purposes of this project.

2.1.3 How will you **use** the data?

QW will not use any personal data in relation to this project, other than data submitted to it for the purposes of an application to the EPRS.

Personal data will be processed primarily by centres and WJEC in relation to this project, as above.

2.1.4 Who will have **access** to the data?

Centres will have access to the personal data of learners that is to be processed for the purposes of determining grades in summer 2021. WJEC will have access to personal data of learners for the purposes of its quality assurance processes in respect of centres and for the awarding of grades following submission of centre determined grades by centres to WJEC.

Where an application is made to the EPRS then only those individuals that are involved in that process will have access to the information relating to the appeal.

QW is not able to regulate the data protection compliance measures that centres maintain and it will be for centres to ensure that only those individuals within the centre that require access to the personal data of any particular learner in fact have such access. The same is also the case in relation to any personal data of learners that WJEC may require access to in order to fulfil their role in relation to this project as the awarding body.

2.1.5 Who will you **share** the data with? Will there be any **international transfers** of the data outside the EEA?

QW will not process any personal data for the purposes of this project other than in respect of an application to the EPRS.

QW will not share any personal data with any third party as a matter of course and no international data transfers will be involved in this project by QW. In relation to applications to the EPRS QW may share personal data of learners with the relevant centre and WJEC in order to enable QW to effectively undertake that process. This will be done with the knowledge of the learner.

2.1.6 Will you use any **data processors**? If so, who?

QW will not use any data processors in relation to this project. QW does not envisage that any centre or WJEC will use a data processor in relation to this project.

2.1.7 What **security measures** will you use to keep the data secure?

QW will not be processing any personal data for the purposes of this project other than where an application is made to the EPRS. EPRS data will be stored in limited access folders within our systems. Access will be limited to the EPRS panel members, administrative support and legal representatives.

QW has third party assurance of information security systems via the Cyber Essential Plus certification.

All staff receive data protection training that is refreshed at appropriate intervals according to their roles. Staff are required to sign that they have read and understood our internal data protection policy and data breach procedure.

2.1.8 Describe any **new technologies** or **novel types** of processing that will be used.

QW will not use any new or novel types of technology in relation to this project. To the extent that WJEC or any centre proposes to do so then those bodies must conduct their own assessments of the data protection impact of doing so. QW does not anticipate that it will be necessary for any body involved to utilise new or novel types of technology for the purposes of this project.

2.1.9 Identify the **retention periods** you will use, and how data will be deleted.

It will be a matter for centres to determine how long they store the personal data generated for the purposes of this project in accordance with their own retention policies.

We review document retention after 5 years for EPRS cases. Data will be electronically deleted from our systems if no longer required after this time after approval from the Information Asset Owner.

2.2 Describe the **scope** of the processing. What personal data will the processing involve?

2.2.1 What is the **nature** of the personal data used? Does any of it include **special category** or **criminal offence** data?

The personal data that will be processed for the purposes of this project will be either existing evidence of the performance of learners in relation to qualifications they are currently undertaking, or new information generated for the purpose of assessing their performance such as their performance in an assessment. From that information a Decision Making Record will be produced by the centre and a Centre Determined Grade will be produced and submitted to WJEC. This will ultimately lead to the award of a grade to each learner by WJEC.

In accordance with guidance from the EHRC special category personal data, primarily in the form of data relating to ethnicity and SEN, will be processed by centres for the purposes of ensuring compliance with their public sector equality duty. WJEC may also obtain such data from Welsh Government in order to enable it to undertake quality assurance processes in relation to the determination of grades by centres.

Where an application is made for an EPRS application, any of the data used in the determination of a grade in relation to a learner may be submitted to QW for consideration in determining that application. This will depend on the nature of the application and the information submitted by the learner, centre or WJEC to QW.

2.2.2 **How much** data will be collected and used? **How many** data subjects will be involved?

The data subjects involved are all learners currently taking a GCSE, AS or A level qualification in Wales. Exactly how much data is processed in relation to these data subjects will depend on the nature of the assessment plans and procedures adopted by each centre as well as the number of learners and qualification entries in the centre. The centre assessment plan will be informed by the Qualification Assessment Frameworks and associated resources established by WJEC in agreement with QW, and considerations of each centre as to what the centre considers (subject to quality assurance by WJEC in the context of their adopted assessment frameworks) it would be substantively fair for them to take into account in determining grades in the context of the particular circumstances faced by that centre and the learners involved.

2.2.3 What is the **extent** and the **frequency** of the processing?

The project is intended to address the current unprecedented circumstances being faced as a result of the ongoing COVID19 pandemic. It is anticipated that this will therefore be the only time that this processing will take place.

2.2.4 What is the **duration** of the processing?

The processing of the data in the way proposed will relate only to the determination of grades for the summer 2021 cohort of learners.

2.2.5 What **geographical area** does the processing cover?

The processing of any personal data relates only to learners in Wales.

2.3 Describe the **context** of the processing. Including internal and external factors which may affect expectations or impact.

2.3.1 What is the nature of your **relationship** with the individuals? To what extent are they likely to **expect** the processing?

QW does not have any direct relationship with the learners. QW is the regulatory body in this matter. WJEC as the awarding body also does not have a direct relationship with learners. Centres do however have a direct relationship with their learners, and it is the centres that will be responsible for the substantive processing of personal data of learners in determining grades in summer 2021.

Learners are considered to expect the processing for the following reasons:

- The approach is similar to that which was ultimately reached in relation to the award of grades in summer 2020, and which was considered publicly acceptable at that time

- It is reasonable for learners to expect that a framework would be established this year so as to provide a degree of structure to the awarding of grades, where this was not otherwise the case in summer 2020 due to the circumstances that arose
- QW has issued communications to learners as to the way in which grades will be determined. For example, shortly after the publication of each version of the overall guidance document a letter for learners has been produced and distributed via centres and other means such as social media. The letters are available [here](#).
- The Welsh Ministers have also issued communications as to grades being awarded in the way proposed and we have also published the Direction that was issued to QW setting out the policy position of the Minister for Education as to the award of grades in summer 2021 (<https://www.qualificationswales.org/media/7224/20210219-cover-letter-including-direction.pdf>)
- The approach has been developed with feedback from the Design and Delivery Advisory Group of head teachers and FE principals. This group of headteachers and college leaders has considered the design of processes carefully with QW and WJEC to ensure that they are as fair as possible for learners and balance this with the demands this extraordinary series places on centres. A wide range of stakeholders have been engaged with during the process to produce and update each version of our overall guidance and feedback suggests that, overall, an approach whereby centres provide grades will be publicly acceptable.

There is a risk that learners may argue that they did not expect that certain particular types of evidence of their performance would be taken into account in determining their grade. This however is a matter to be addressed within the assessment frameworks and plans of each centre based on their particular circumstances.

QW has encouraged centres to communicate their proposed approach with learners and their parents/carers so as to ensure transparency and confidence in the approach adopted. This forms part of the guidance issued by QW to centres in relation to the determination of grades in summer 2021.

With regard to the processing of special category data relating to ethnicity and SEN, such processing is to take place pursuant to guidance issued by the EHRC. QW does consider that learners would reasonably expect that such data would be processed as part of the determination of grades so as to enable attainment gaps to be monitored.

Where a learner submits an application for EPRS to QW they must reasonably expect that information pertinent to the award of their individual grade would be made available to QW as part of that process.

2.3.2 What is the **source** of the data? To what extent will individuals have **control** over the data you hold?

The data that will be processed for the purposes of this project will either be information already held by a centre and that was produced by a learner during the course for their qualification, or otherwise assessment information generated by the learner (for example as part of the adapted past papers being provided by WJEC or a centre devised assessment task) to be undertaken as part of a centre assessment plan.

2.3.3 **Who** are the data subjects? Do they include **children** or other **vulnerable** people?

The data subjects are the learners in the summer 2021 cohort for GCSE, AS and A level qualifications in Wales.

2.3.4 Are there any **prior concerns** over this type of processing or **security** flaws? Is it **novel** in any way?

No.

2.3.5 What is the **current** state of technology in this area? Are there any **relevant advances** in technology or security? Or any current issues of **public concern** you should factor in?

QW will not use any new technology in relation to this project, or use any existing technology in a novel way.

QW does not anticipate that WJEC or centres will be required to use any new technology or existing technology in a novel way in relation to this project. Should WJEC or any centres seek to do so then that is a matter for that body to assess in the context of its own data protection obligations and is not a matter for QW.

2.3.6 Are you signed up to any approved GDPR **codes of conducts** or **certification schemes**? If applicable, identify how you have considered and complied with relevant codes.

N/A

2.4 Describe the **purpose** of the processing. For what reason(s) do you want to process the personal data?

2.4.1 What do you want to **achieve**? What is the **intended effect** on individuals?

In the current unprecedented circumstances QW as regulator, alongside the Welsh Ministers, is seeking to ensure that learners in the summer 2021 cohort are awarded GCSE, AS and A level grades in a fair and transparent manner so as to enable them to progress to the next stages of their lives.

2.4.2 What are the **expected benefits** of the processing for you, and more broadly for

society as a whole?

There is a clear benefit to these learners and society as a whole in relation to this project, in light of the above response to 2.4.1. Absent the processing of personal data of learners it will not be possible to award grades to them in the subjects and qualifications that they are currently undertaking, which will prevent or substantially inhibit their progression onto the next stages of their lives.

2.4.3 Where you are relying on your **legitimate interests** as the legal basis for processing, state them here.

N/A

Step 3: Consultation of Data Subjects and others

1.1 If the **data subjects** or their representatives have been consulted regarding the intended processing, set out the findings below:

The approach to the alternative assessment arrangements for summer 2021 has been developed with WJEC and with feedback from the Design and Delivery Advisory Group (DDAG). The group was established by Welsh Government in November, in the context of the policy direction from the Minister and a decision by the QW Board to regulate the award of grades in line with that direction. The DDAG group includes head teachers and principals of schools and colleges from across Wales and the group was expanded at the start of the year to ensure full and appropriate representation.

A number of DDAG subgroups were established to consider different aspects of the summer 2021 process, including groups focusing on equalities and learner voice. The equalities subgroup included a focus on arrangements for private candidates.

In the autumn 2020, QW set up a Summer 2021 Stakeholder group to consider the overall approach to assessment in summer 2021. This group included stakeholders such as the Children's Commissioner for Wales and the Equalities and Human Rights Commission. We have continued to meet with these stakeholders through the development process to provide them with updates and to receive feedback. Areas of particular focus have been linked to details of the approach to assessment and the impact on learner wellbeing, arrangements for private candidates and appeals processes. Those stakeholders have also been given an opportunity to comment on each version of the overall guidance that we have published, and a number of changes have been made as a result. An example of such a change was the inclusion of a whole section focussed on learner guidance and wellbeing. This section includes reference to issues covered throughout the guidance and highlights the importance of considering learner wellbeing and pastoral care in the period after learners receive their provisional results as well as the inclusion of links to additional guidance likely to be of use to centres. We have also acted on specific feedback from the Children's Commissioner in relation to our communications with learners about the arrangements for summer 2021; this has included feedback about format, timing and content of our communications.

Separately Qualifications Wales has engaged with numerous groups

that represent learners with protected characteristics, and this has informed our Equalities Impact Assessment. We have also engaged with The Youth Parliament and we respond to queries and requests for information from learners and their parents.

We are working on raising awareness and building reassurance on summer 2021 assessment arrangements in partnership with Youth Cymru, Parentkind, CBI and Universities UK and Universities Wales.

We are launching a 'have your say' feedback channel for learners and co-sponsoring (with Welsh Government and WJEC) research led by 5 HEIs in Wales with learners into their experiences of this year.

We have established a [Learner Advisory Group](#), which will meet for the first time in mid-April. The 18 learners forming the group come from across Wales, from a mix of backgrounds with ages ranging from year 9 to year 13. We will host four meetings a year with this group and discuss a range of qualification matters, including Summer 2021 assessment arrangements.

1.2 If the views of the data subjects have **not** been sought, please explain why below:

See 1.1 above.

1.3 Set out any **other** findings from consultations with others below.

See 1.1 above.

Step 4: Necessity, Proportionality and Data Protection Compliance Assessment

4.1 What are the purposes and lawful grounds for processing the personal data identified above?

	Purpose: what objective are we trying to achieve?	Lawful basis:
1	To ensure that learners are awarded grades in GCSE, AS and A level qualifications in summer 2021 in a fair and transparent manner to enable them to progress to the next stages of their lives	<p>In respect of personal data that is to be processed QW considers the applicable lawful basis to be that in Article 6(1)(e) GDPR - task carried out in the public interest.</p> <p>In respect of special category personal data that is to be processed as part of the awarding of grades in summer 2021 QW considers the applicable lawful basis to be that in Article 9(2)(g) GDPR - processing necessary for reasons of substantial public interest. In order to rely on this condition it is necessary to meet a condition in Part 2 of Schedule 1 of the Data Protection Act 2018 ("DPA"). QW considers that Paragraph 6 of Part 1 of that schedule applies.</p>

4.2 **Necessity:** does the processing actually achieve your desired purpose(s)?

QW has undertaken a detailed exercise of assessing the various options available with regard to the award of qualifications in summer 2021 in the context of the ongoing COVID19 pandemic. This has included considerations (amongst others) as to whether examinations could take place in spring and summer 2021, and whether some form of standardised assessment could otherwise be required from all centres. As matters have progressed and circumstances have changed, including the increased loss of face to face learning time, the available options have narrowed.

It is not a viable option not to award grades to learners at all in summer 2021. This would have an unduly detrimental impact upon learners in the current cohort as well as wider societal implications. It has therefore been necessary to determine a means by which grades could be determined in a fair way in the context of the circumstances that are currently faced.

QW has sought the views of various stakeholders throughout this matter, including from the DDAG and other relevant forums, and is content that the proposed approach will achieve the intended purpose of awarding grades in summer 2021 in a substantively fair way taking into account all of the circumstances of this matter. It will not be possible to award grades without processing personal data of learners and in particular considering evidence of attainment of learners in the subjects and qualifications that they are studying. QW is content that the processing of personal data is necessary.

4.3 **Proportionality:** is there any other reasonable way to achieve the same outcome?

In light of the comments in 4.2 above, QW does not in the circumstances consider there to be any other reasonable way in which the same outcome could be achieved without the processing of personal data.

4.4 How will you prevent **function creep** i.e. the gradual widening of the use of a technology or a system beyond the purpose for which it was originally intended?

QW does not consider there to be any risk of “function creep” in relation to this project. This project is taking place under unprecedented circumstances with a view to ensuring that learners are awarded grades in a fair and transparent manner to enable them to progress to the next stages of their lives.

4.5 How will you ensure data **quality** and data **minimisation**?

QW is undertaking a detailed exercise with WJEC in order to ensure that the assessment frameworks that are put in place are appropriate. These frameworks are being developed with a view to informing the assessment plans of centres so that appropriate information is taken into account in determining grades for learners. In doing so the frameworks and assessment plans are intended to ensure that fair grades are awarded based on sufficient and appropriate information relevant to each individual learner, taking into account the circumstances faced by that learner and the relevant centre.

4.6 What **information** will you provide to individuals and how do you intend to do so?

In light of the nature of this project QW has provided information to centres and learners continually as the matter has progressed. QW is conscious that whilst it will not be processing personal data in relation to this project, its decisions as the relevant regulatory body will necessarily influence the nature of any processing of personal data of learners that is to take place. QW is also conscious of the significance of this matter to learners and the concerns of learners in relation to the way in which their grades will be determined in summer 2021. As such QW has provided as much information as it has been able to so as to keep learners and centres informed in a consistent manner as to the way in which it is proposed that grades are to be determined. The Welsh Ministers have been closely involved in this matter and have also published communications and announcements as the matter has progressed.

Examples of information published to date include:

Our website contains a dedicated section on [summer 2021](#), within which there is a page specifically providing communications designed to give [Information to learners](#). The documents published there include updates on decisions and guidance. These letters are disseminated via schools and also social media.

Welsh Government have published information via Hwb ([Centre-determined grades for schools and colleges: examples of approaches - Hwb \(gov.wales\)](#)) including exemplar centre assessment plans and seminars led by DDAG on the agreed approach. They have also regularly published information as the

approach has progressed (see for example [Examination and assessment guidance: 2020 to 2021 | GOV.WALES](#)) and communicated via social media.

WJEC have also regularly communicated with learners and centres during the process (see [Assessments 2021: Get the support you need \(wjec.co.uk\)](#))

QW will continue to publish communications as appropriate so as to keep learners and centres up to date as this matter progresses.

Centres will be encouraged to communicate with learners directly in relation to their assessment plans and procedures so as to ensure that learners at each centre are informed as to how their individual grades are to be determined with a view to promoting transparency and confidence in the approaches adopted.

4.7 How will you help support individuals in the exercise of their rights?

In recognising the right for all young people to take part in decisions, the three stage appeals process established by QW will allow learners to request that centres review their provisional grades if they consider that an error has been made.

It is important that learners understand how their grades have been determined by centres, whether this is with a view to requesting a centre review or appeal or otherwise. Our guidance document (see paragraph 4.2 in version 3.0) makes clear that centres should communicate their assessment approach to learners and their parents/carers. The guidance also explains the appeals process (section 8, version 3.0).

With regard to personal data processed by QW as part of an EPRS application, QW will follow its established procedures for the compliance with the rights of data subjects and has appropriate policies and procedures in place already to enable it to do so.

Right to Information

Schools and colleges are responsible for providing privacy information to learners and QW is encouraging transparency on the part of centres in its guidance documents. QW displays a privacy notice for learners on its website with regard to processing undertaken by Qualifications Wales and has otherwise communicated with learners as set out in this DPIA as to the approach to awarding of grades in 2021.

Right of access by the data subject

Learners have the right to access their data. There is an exemption for examinations data but use of this exemption must be balanced with the right for learners to have necessary information available to them in order to understand how their grade was determined so, for example, that a fair appeals process can take place. Centres are required to follow QW and WJEC guidance to ensure that the assessment and appeals processes run as intended. The exam scripts exemption does not prevent centres disclosing information to learners as required under those procedures. However, the exam script exemption would apply if a learner was to try to use their data protection rights to access additional information outside of the QW / WJEC procedures.

Right to have any inaccuracies corrected

Where a learner considers that inaccurate data has been processed in determining their grade then the grounds by which they may request a centre review and then appeal to WJEC enable such alleged inaccuracies to be considered and where appropriate corrected.

Right to Erasure, Right to Restrict Processing and Right to Object to Processing

It is anticipated by QW that centres and WJEC will retain all such information relevant to their determination of the grade of a learner for an appropriate period to allow for all routes of challenge to be exhausted, or until it is decided that such grade should be amended. QW considers there to be a compelling interest in such information being retained so as to enable learners to challenge their grades should they choose to do so and for centres and WJEC to defend any potential challenges to the awarding process.

All final grades should be retained in the same way as any other academic year.

4.8 What measures will you take to ensure **processors** comply with GDPR?

QW does not anticipate any processors being appointed in relation to this project. To the extent that WJEC or any centre may seek to appoint a processor then it is a matter for those bodies to ensure they have appropriate measures in place to ensure compliance by those processors with the data protection legislation.

4.9 How will you safeguard any **international transfers** of data outside the EEA?

QW will not transfer any personal data outside of Wales. It is not anticipated that WJEC or any centre would be required to transfer any data outside of the UK. To the extent that those bodies may do so then it is a matter for those bodies to ensure they have appropriate safeguards in place to do so. This is not a matter that QW is in a position to influence in relation to this project.

Step 5: Identification and Assessment of Risks to the Rights and Freedoms of the Data Subjects

Risk number	For each risk identified, describe the source and the nature of potential impact on individuals below. Consider your own corporate risks here also.	Likelihood of harm -Probable -Possible -Remote	Severity of harm -Severe -Significant -Minimal	Overall risk -High -Medium -Low
1.	Incorrect grades are provided by centres to WJEC as a result of a procedural error	Possible	Significant	Medium
2.	Personal data breach during transmission of information by the centre to WJEC	Possible	Significant	Medium
3.	Distress being caused to learners based on them being awarded grades lower than they anticipated or otherwise considered that they were attaining	Possible	Significant	Medium
4.	Incorrect grades are issued by WJEC as a result of a procedural or system error on their part	Possible	Significant	Medium
5.	Some learners may argue that they did not expect that their personal data would be used in the way proposed	Possible	Significant	Medium
6.	Some learners may not understand the process which may cause them distress	Possible	Significant	Medium
7.	Learners may consider there to be bias or discrimination in the process introduced by teachers at the centre when determining grades	Possible	Severe	High
8.	Information relating to one learner, including their Decision Making Record, is inadvertently made available to another learner	Possible	Severe	High

Severity of harm			
Severe harm	Low risk	High risk	High risk
Significant harm	Low risk	Medium risk	High risk
Minimal harm	Low risk	Low risk	Low risk
	Remote	Reasonable possibility	More likely than not
	Likelihood of harm		

Step 6: Identification of measures to mitigate risks

Risk number	Identify options for measures you could take to reduce or eliminate medium or high risks	Effect on risk -Accepted -Reduced -Eliminated	Residual risk -High -Medium -Low	Measure approved Yes/No
1	Appropriate appeal mechanisms will be put in place to address the risk of a learner being awarded an incorrect grade due to a centre error	Accepted	Low	Yes
2	Centres have established mechanisms for communicating securely with WJEC and these should be used	Accepted	Low	Yes
3	Centres are encouraged to be transparent with learners and their carers/parents as to the approaches they adopt to the awarding of grades. A three stage appeal process is also being provided for which will allow learners to request a centre review, appeal to WJEC and finally QW level if they are not content with the grade determined in respect of them	Accepted	Low	Yes
4	<p>Appropriate appeal mechanisms will be put in place to address the risk of a learner being awarded an incorrect grade due to an error on the part of WJEC.</p> <p>WJEC is an established awarding body that is well versed in handling significant amounts of learner data in the award of qualifications and so it is expected has appropriate procedures and systems in place to mitigate against risks of errors arising.</p>	Accepted	Low	Yes
5	<p>QW has set out within this DPIA the steps that it has taken to communicate with learners and other stakeholders as to the approach to awarding of grades in summer 2021. In addition centres are being encouraged to communicate with learners and carers/parents with a view to ensuring transparency and confidence in the overall approach and the individual approach adopted by each centre.</p> <p>QW continues to work with key partners to inform and explain the process taken in summer 2021.</p>	Accepted	Low	Yes
6	As above. Whilst some learners may not fully understand the process, QW has been as transparent as possible as to the process and is	Accepted	Low	Yes

	encouraging centres to also do so. If a learner wishes to better understand the process then they are able to approach their centre for further explanation. The centre can raise issues with WJEC and QW to the extent that they are unable to answer queries from a learner as to the wider process.			
7	QW is aware of the potential for conscious and unconscious bias to be introduced into the process. This will be addressed by the internal sign off process required by each centre, as well as the availability of appeals to learners particularly on the basis of the reasonableness of the grade determined by the centre. The training and guidance made available to centres by WJEC also includes material on making objective judgements.	Reduced	Low	Yes
8	Centres have control over the distribution of information to learners of how grades were determined. Centres are well versed in providing information, including schools reports etc, to learners and should ensure that they adopt appropriate procedures to mitigate the risk of inadvertently disclosing information to the wrong learner.	Accepted	Low	Yes

Step 7: Approval and review

Item	Name(s)	Date	Notes
Measures approved by:			
Residual risks approved by:			
Identify any action points and who will be responsible for their implementation (including any requirements to consult the ICO):			
[DPO advice provided:]			

[Summary of DPO advice:] Risks have been considered and mitigated. Residual risk is low.

DPO advice accepted or overruled by:

- Accepted
- Overruled

If overruled, please explain your reasons for doing so here:

Consultation responses reviewed by:

If your decision departs from individuals' views given in your consultation, you must explain your reasons why you have disregarded their views here:

DPIA Review

This DPIA will be reviewed again on this date:

This DPIA will be periodically kept under review by:

*If there is a **substantial change** to the nature, scope, context or purposes of processing - you must complete a new DPIA.*