

Data protection impact assessment:  
summer 2020 grading

<p>Project summary</p>	<p><b>Background:</b></p> <p><i>On 20 March 2020, the Government announced the closure of all educational settings due to the outbreak of the Coronavirus.</i></p> <p><i>The Government has explained<sup>1</sup> that the outbreak is expected to continue to have a significant impact on the United Kingdom for months to come and, consequently, has exceptionally cancelled exams that were due to be undertaken in summer 2020.</i></p> <p><i>The Secretary of State published a direction to Ofqual pursuant to Section 129 (7) Apprenticeships, Skills, Children and Learning Act 2009 (ASCLA) on 3<sup>rd</sup> April 2020 requiring Ofqual to establish a process to allow students to receive grades and progress. The Secretary of State also explained that in order to mitigate the risk to standards as far as possible the approach should be standardised across all centres. In the absence of evidence generated through examinations, centres will be required to provide centre assessment grades and a rank order of their students within each subject for GCSEs, AS, A levels, extended project and advanced extensions award qualifications. Ofqual has identified a number of possible approaches to moderating centre assessment grades to ensure that, as far as possible, grades are fair to students in different centres and qualifications standards are maintained.</i></p> <p><i>The aims and approach to the standardisation process are set out in Ofqual’s wider consultation on exceptional arrangements for grading exam assessment in 2020. Further details about the model including factsheet and video explaining the model in practice have also been produced and are available at <a href="https://www.gov.uk/government/news/ofqual-summer-symposium-2020">https://www.gov.uk/government/news/ofqual-summer-symposium-2020</a></i></p> <p><i>Additional information will also be published on results day. This will include detailed information about the model, the different models that were considered, the testing of these models and the rationale for why the final model was chosen.</i></p> <p><i>As part of this testing, analysis of the potential impact of the model on students from different socio-economic backgrounds was also performed. This has been followed up with a candidate-level equalities analysis following application of the approach using the rank order information provided by schools, the results of which will be published on results day. This DPIA</i></p>
------------------------	---

---

<sup>1</sup> See: <https://www.gov.uk/government/publications/coronavirus-covid-19-cancellation-of-gcses-as-and-a-levels-in-2020/coronavirus-covid-19-cancellation-of-gcses-as-and-a-levels-in-2020#did-exams-need-to-be-cancelled>

*relates to the use of a statistical standardisation model to assist with moderating centre assessment grades. Further details of the model can be found on Ofqual's website. A video providing a detailed description of the model and how this applies in practice is also available at <https://www.youtube.com/watch?v=EX5STb0qbGI&feature=youtu.be>*

*The exercise to determine final grades will follow a number of stages before final results are determined. First, the centre will determine the centre assessment grade and rank order for students. This exercise is conducted by professionals at the centre, usually teachers. The centre assessments grades for a subject are also signed off by at least 2 teachers in that subject (one of whom should be the head of department/subject lead) and the head of Centre is required to confirm that the centre assessment grades and the rank order are a true representation of student performance.*

*Second, this information is sent to exam boards, who will perform a standardisation exercise using the model specified by Ofqual. Due to the volume of data involved and the nature of the exercise, the standardisation exercise will involve automated processing by exam boards. It should be noted that while Ofqual will be running the process alongside the exam boards, this is as a check on the exam board outputs – Ofqual will not be issuing grades. This responsibility will rest with the exam boards. The model developed by Ofqual will be provided to the exam boards in the form of a set of requirements. Each exam board will process the personal data in its possession as data controller to apply the model and eventually calculate the final grade. Each exam board will consider whether they need to undertake their own data protection privacy impact assessment.*

*Finally, it should also be highlighted that there is further human review of overall outcomes prior to results being awarded (as outlined below).*

*The use of a statistical model does not involve the use of AI in that the statistical model is not being trained to carry out a process. In this case, an algorithmic approach is taken. Ofqual has used historical data to test the model but not train it. Nevertheless, we have taken the view that a DPIA is conducted to consider and address the risks.*

*Further provisions apply where a decision is based **solely** on automated processing where this produces legal or similarly significant effects.*

*ICO guidance states that a DPIA can help to decide whether Article 22 GDPR applies, the risks associated and how these will be addressed.*

*This DPIA considers the role of automated processing and whether Article 22 applies.*

***Article 22 considerations.***

***What is the decision?***

*The decision that will affect students is the final grade issued by the exam boards to each student.*

***What is the process at arriving at the decision?***

*The process for arriving at the decision involves the assessment by a centre of the student and the centre then providing a centre assessment grade and rank order. That information is then subject to a process of standardisation using a statistical model specified by Ofqual, which is subject to human review. Further decision-making involving humans is involved in scrutinising overall outcomes prior to the release of results.*

***Is the decision based solely on automated processing?***

*No - whilst part of the process is automated, the decision is not based solely on automated processing, as human intervention will be involved at a number of stages prior to final results being issued. In summary, centre assessment grades and rank orders are determined by teachers and signed off by other individuals within the centre. The standardisation model is used alongside these centre assessment grades and rank orders. Furthermore, responsible officers at the exam boards will review the final outcomes before signing off their awards. The review by exam boards will involve checking the recommendations made by the model and weighing up and interpreting the data having regard to the input data and final results.*

*This involves exam board staff undertaking detailed scrutiny of the operation of the model to ensure that it is performing as required, including, where appropriate, considering the outcomes for individual centres. This will include further scrutiny where there is a large change between the centre assessed grade and calculated grade. Further to this, exam board staff will interrogate any instances where outputs are anomalous or they consider merit further scrutiny.*

*Responsible officers will decide whether to sign off the awards and may choose to reject or carry out further scrutiny.*

*In addition to the reviews conducted by individual exam boards, there is also a collective review of the overall national data by Ofqual and exam boards. This happens every year, although some of the data that is reviewed is necessarily different this year. This includes data such as overall outcomes at the national level and the adjustments that have been made to the centre assessment grades. This is a forum for exam boards or Ofqual to raise any concerns about the appropriateness of emerging results. In such cases, further analyses are typically conducted and there may be further discussion of any issues. Article 22 GDPR, therefore, is not engaged as the decision is not based solely on automated processing.*

*The decision for each student will be the product of human-generated input from the centres combined with the application*

	<i>of the statistical standardisation model and further human review of overall outcomes by exam boards.</i>
Processing purposes	<p>The purpose for developing the standardisation model is to ensure that as far as possible grades are fair to students in different centres and qualification standards are maintained. It has not been possible due to the pandemic to train staff within centres to make standardised judgments for the centre assessment grades.</p> <p>This model aims to ensure fairness to all students as the standardisation process is designed to counteract the effect of individual centres being too severe or too generous compared to other centres and predicted outcomes based on historic data.</p> <p>Ofqual considers that to achieve standardisation this summer a model is used that considers the expected national outcomes for this year's students, prior attainment data of students at each school/college (at cohort level, not individual level) and the prior performance of each centre. This aims to ensure that, as far as possible, the centre assessment grades are not too generous or too severe for an individual centre.</p> <p>The personal data that will be applied to the model is held by the exam boards who are in each case a data controller for this personal data. The prior attainment data for AS, A level, extended project and advanced extension award qualifications is also held by the exam boards. The prior attainment data for GCSE is held by the exam boards but the Department of Education are data controller for this data. Ofqual and exam boards have appropriate permission from the Department of Education for the processing of the prior attainment data for the purposes of the standardisation model. Note that this prior attainment data is used by exam boards as part of the awarding process in a 'normal' year.</p> <p>The standardisation exercise will be conducted by the exam boards although there will also be oversight by Ofqual. Ultimate responsibility for the processing of personal data to award grades will rest with the exam boards.</p>
Lawful ground for processing	<p>The lawful basis to produce the standardisation model as well as carry out oversight and apply the model is that the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in Ofqual (Article 6(1)(e) GDPR.)</p> <p>In the case of testing the model for bias, Ofqual will be processing special category data. The lawful basis is that the processing is necessary for reasons of substantial public</p>

	<p>interest (Article 9 (2) (g). To rely on the substantial public interest condition, it is necessary to meet a specific condition set out in Part 2 of Schedule 1 DPA 2018. Ofqual relies on paragraph 6 of schedule 1 DPA 2018.</p> <p>Amongst its statutory objectives, Ofqual is tasked with:</p> <ul style="list-style-type: none"> <li>a. securing that regulated qualifications such as GCSEs and A-Levels give a reliable indication of knowledge, skills and understanding (s128(2) Apprenticeships, Skills, Children &amp; Learning Act (ASCLA) 2009); and</li> <li>b. Promoting public confidence in regulated qualifications (s128(4) ASCLA 2009.)</li> </ul> <p>In meeting these objectives, Ofqual is required to investigate and put in place an approach to standardising centre assessment grades for GCSEs, AS, A-Levels, extended project and advanced extension award qualifications this summer, thus allowing grades to be awarded to candidates. Section 134 of ASCLA 2009 sets out that Ofqual must set General Conditions of Recognition that AOs are required to comply with as part of their recognition in providing regulated qualifications. In light of the developments this year, Ofqual needs to work with AOs to undertake the modelling exercise to determine what changes may be required to the regulatory rubric it creates under s134 ASCLA 2009, with which AOs must comply. Ofqual has put in place an exceptional regulatory framework that sets out the conditions that exam boards must follow due to the pandemic. AOs will be required to apply the standardisation model developed by Ofqual to ensure consistency and integrity.</p> <p>In meeting its objectives and performing its functions, S129 ASCLA 2009 prescribes that, so far as is reasonably practicable, Ofqual must perform its functions in a way that is compatible with its objectives and which it considers most appropriate for the purpose of meeting those objectives. It considers the development of a model for standardisation is necessary, with a view to pursuing the objectives above, and is the most appropriate step to take towards determining what approach should be adopted in moderating teacher assessment grades for GCSE, AS and A-Level grades this summer.</p>
--	---

2 Identify the need for a DPIA

**a. Project aims and benefits**

<p>What does the project aim to achieve?</p>	<p>The overall aim of the project is to be able to <i>develop</i> and <i>deploy</i> a <i>standardisation process</i> that can moderate teacher assessments grades for GCSEs, AS, A-Levels, extended project and advanced extension award qualifications.</p> <p>The aims of the standardisation process are:</p> <ul style="list-style-type: none"> <li>• <i>To provide students with the grades that they would most likely have achieved had they been able to complete their assessments in summer 2020;</i></li> <li>• <i>To apply a common standardisation approach, within and across subjects, for as many students as possible;</i></li> <li>• <i>To use a method that is transparent and easy to explain, wherever possible, to encourage engagement and build confidence;</i></li> <li>• <i>To protect, so far as possible, all students from being systematically advantaged or disadvantaged, notwithstanding their socio-economic background or whether they have protected characteristics; and</i></li> <li>• <i>To be deliverable by exam boards in a consistent and timely way that they can quality assure and can be overseen effectively by Ofqual</i></li> </ul>
<p>What are the anticipated benefits to Ofqual, individuals and/or other parties?</p>	<p>The key benefit of the project is that students due to complete qualifications in summer 2020 will be awarded credible results for those qualifications in the absence of formal assessments. Where appropriate, these results are intended to be used to facilitate progression in a way that would not have been possible without the assurances provided by standardisation. The standardisation approach is intended to award grades that are as fair as possible and that have been subject to a process intended to ensure consistency and integrity of standards in grades awarded this summer.</p> <p>This project is intended to be of benefit to users of qualifications (including students, schools, further education institutions and employers) by allowing Ofqual to identify and adopt the fairest approach to moderating teacher assessment grades.</p>

	<p>Ofqual has outlined details to the public in its guidance and consultation documents. These can be found at <a href="https://www.gov.uk/government/publications/awarding-qualifications-in-summer-2020">https://www.gov.uk/government/publications/awarding-qualifications-in-summer-2020</a></p> <p>And <a href="https://www.gov.uk/government/consultations/exceptional-arrangements-for-exam-grading-and-assessment-in-2020">https://www.gov.uk/government/consultations/exceptional-arrangements-for-exam-grading-and-assessment-in-2020</a></p> <p>Further information has been published by Ofqual on its website and this is being updated regularly.</p>
--	---

**b. Preliminary screening**

Question	Answer/comment
<p>Does the project involve one or more of the following:</p> <ul style="list-style-type: none"> <li>—systematic and extensive evaluation of personal aspects relating to natural persons based on automated processing (including profiling) on which decisions are based that produce legal effects for or similarly significantly affect a data subject</li> <li>—processing on a large scale of special category personal data or data relating to criminal convictions and offences</li> <li>—systematic monitoring of a publicly accessible area on a large scale?</li> </ul>	No
<p>Does the processing involve the use of innovative technologies (including artificial intelligence) or the novel application of existing technologies?</p> <p>If yes, is this processing combined with any of the criteria from the European guidelines?</p>	<p>Not entirely: the application of a standardisation model in these circumstances is novel, as is its use in connection with the standardisation of centre assessed grades. Although the context is different, the use of statistical models to moderate non-examination assessments is common, as is the use of data to maintain standards and ensure fairness in awarding grades.</p>
<p>Will decisions about an individual's access to a product, service, opportunity or benefits:</p>	<p>The awarded grade could in theory have an impact on the opportunities available to an individual, although it is unlikely to have a significant impact as students may be able to appeal their result and will have the opportunity to sit exams if they are not</p>



Question	Answer/comment
<p>—be based to any extent on automated decision making (including profiling) or</p> <p>—involve the processing special category data?</p>	<p>satisfied that the awarded grade reflects what they could have achieved. As described above, the decision-making process involves automated elements as well as human involvement.</p> <p>It is not intended to share special category personal data as it is not necessary to do so. Special category data is processed by Ofqual to carry out testing for bias in the model.</p>
<p>Will the project involve profiling of individuals on a large scale?</p>	<p>The statistical model will not be profiling students or predicting individual's behaviour. However, a grade distribution will be produced at centre level by the standardisation model using the historical performance data and prior attainment data for that centre.</p> <p>This is part of the process but is only used alongside the input (centre assessment grades and rank orders) from the centre.</p>
<p>Will you be processing biometric data?</p> <p>If yes, is this processing combined with any of the criteria from the European guidelines?</p>	<p>No</p>
<p>Will you be processing genetic data (other than that processed by a GP or health professional for providing healthcare direct to the individual)?</p> <p>If yes, is this processing combined with any of the criteria from the European guidelines?</p>	<p>No</p>
<p>Will you be engaging in data matching, ie combining and comparing all matching personal data obtained from multiple sources?</p>	<p>In developing and testing models, Ofqual has linked and matched the test data supplied by AOs with data held on the NPD and NCN register. This has been collated into a pseudonymised dataset.</p> <p>The final standardisation model will draw on the following sources of evidence:</p> <ul style="list-style-type: none"> <li>• historical outcomes for each centre; the prior attainment (Key Stage 2 or</li> </ul>

Question	Answer/comment
	<p>GCSE) of this year's students and those in previous years within each centre; and</p> <ul style="list-style-type: none"> <li>• the expected national grade distribution for the subject given the prior attainment of the national entry.</li> <li>• For AS, A levels, extended project and advanced extension award qualifications the standardisation will consider historical data from 2017, 2018 and 2019. Of exception to this is A level D&amp;T where historical data from 2019 will be used.</li> <li>• For GCSEs, it will consider data from 2018 and 2019, except where there is only a single year of data from the reformed specifications, where data from 2019 will be used. For reformed GCSE subjects being awarded for the first time this summer, historical data from the legacy specification in 2019 will be used.</li> </ul> <p>Exam boards will use the final statistical model specified by Ofqual and standardise grades across centres in each subject.</p>
<p>Will you be processing personal data not obtained directly from the data subject in circumstances in which it is impossible or disproportionate to comply with the information requirements in Article 14 of the GDPR (invisible processing)?</p> <p>If yes, is this processing combined with any of the criteria from the European guidelines?</p>	<p>Through its guidance and information to parents, students and teachers, Ofqual has explained how the standardisation model will be developed and the personal data that will be required to perform standardisation.</p> <p>Ofqual consulted on the aims and principles of the standardisation model as part of its wider consultation on exceptional arrangements for issuing grades in summer 2020.</p> <p>Overall, it was found there was broad support for its approach to standardising centre assessment grades.</p>

Question	Answer/comment
	<p>To the extent that additional notification under Article 14 is required, it would be impossible or disproportionate for Ofqual to contact every individual to provide further transparency information. Public information will be provided about the methodology being adopted and the modelling being carried out in association with the AOs. A privacy notice on exceptional arrangements and the use of personal data has also been issued by Ofqual and will be updated where necessary. Ofqual has also produced further information about the arrangements this year at its summer symposium and media releases, as highlighted above.</p>
<p>Will the processing involve tracking an individual's geolocation or behaviour, including but not limited to the online environment?</p> <p>If yes, is this processing combined with any of the criteria from the European guidelines?</p>	<p>No – it is not intended to track individuals</p>
<p>Will you be targeting children or other vulnerable individuals?</p> <p>—for marketing purposes, profiling or other automated decision making, or</p> <p>—with the intention of offering online services directly to children?</p>	<p>No</p>
<p>Is the proposed processing of such a nature that a personal data breach could jeopardise the physical health or safety of individuals?</p>	<p>Yes – release of any personal data and grades prior to results being announced could cause serious distress to individuals.</p> <p>Any personal data shared by AOs and Ofqual will be shared securely.</p> <p>An information sharing agreement has been entered into with the AOs to ensure the security of information shared for the test data.</p> <p>Further sharing for the purpose of performing the modelling will be conducted using secure transmissions. Ofqual receives personal data securely from exam</p>

Question	Answer/comment
	boards each year so a process for sharing securely and safely has already been established.
Is the processing otherwise likely to result in a high risk to the rights and freedoms of natural persons?	Yes – the model if executed incorrectly in a manner that is not accurate or correct could result in errors and cause significant distress to individuals.

**c. Conclusion**

Are there any other relevant factors to consider, in addition to the screening questions?  <i>If Yes, please provide further information</i>	No
Taking into account all the factors in this section, is the project likely to present a high risk to the rights and freedoms of natural persons?	Not with the implementation of mitigation measures
Is a DPIA required?	Yes – GDPR states that DPIA is required before the deployment of innovative technological solutions.
Reasoning	Due to the novel and unique approach to awarding grades this summer, it is important to ensure that the standardisation model meets a specific and legitimate purpose. Furthermore, any processing of personal data must be compliant with our data protection obligations.

**3 Describe the processing**

Understanding the information flows involved in a project is essential to a proper assessment of privacy risks. This section sets out:

- a. how much data you will be collecting and using

The final standardisation model will draw on the following sources of evidence:

- historical outcomes for each centre; the prior attainment (Key Stage 2 or GCSE) of this year's students and those in previous years within each centre; and

- the expected national grade distribution for the subject given the prior attainment of the national entry.
  - For AS, A levels, extended project and advanced extension award qualifications the standardisation will consider historical data from 2017, 2018 and 2019. An exception to this is A level D&T where historical data from 2019 will be used.
  - For GCSEs, it will consider data from 2018 and 2019, except where there is only a single year of data from the reformed specifications, where data from 2019 will be used. For reformed GCSE subjects being awarded for the first time this summer, historical data from the legacy specification in 2019 will be used.
- b. how information is or will be collected, stored, used and deleted

Student data is collected from exam boards each year as part of Ofqual's regulatory function. In developing and testing the model, Ofqual has limited the use of personal data to that required to achieve its objective. Wherever possible, personal data has been anonymised or pseudonymised to mitigate risks to individuals. The model is developed in a secure environment with access restricted to specific users.

For running the standardisation process exam boards have collectively generated data files containing students' results in previous years (as above) and entry data for 2020. This data has been shared with Ofqual via a secure collaboration space. Ofqual has also collected data from exam boards on centre assessment grades and rank orders via a secure portal. Both files contain personal data (eg candidate name, DoB) which is necessary to allow the 2020 entry data to be matched to the centre assessment grades. Ofqual requires these 3 data files (historical data, 2020 entry data and centre assessment grades/rank orders) to run the standardisation process alongside the exam boards and effectively monitor exam boards.

Ofqual routinely collects large amounts of student data from exam boards. Personal data is shared within Ofqual's secure collaboration area or the secure data portal. Upon receipt of data, validation and plausibility checks are carried out. This area is protected by multi factor authentication with restricted access to specific users. An audit trail is maintained to record activity within this area.

Where additional personal data is shared, a data sharing agreement has been entered into where appropriate. Again, sharing is undertaken using the established secure channels.

- c. what information is or will be used, why and who has or will have access to it (including in what geographical areas)

### ***Processing***

The modelling is based on final historical candidate level data as set out above. This data relates to all candidates who sat GCSE, AS, A levels, extended project and advanced extension award qualifications in the relevant years. Using this historical data, the model will generate a predicted distribution of grades at centre level for each subject.

The centre level predictions are subject to adjustment using the prior attainment data at GCSE or KS2 for candidates taking exams in 2020 and previous years. The model will not

predict grades at individual candidate level. It will only provide a statistical prediction of the grade distribution for the whole cohort of students taking the subject in that centre.

This grade distribution will be applied to the rank order judgments created by teachers at the relevant centre to determine students' final grades (subject to scrutiny by exam board staff as highlighted earlier). Centre assessed grades may be adjusted dependent on where the individual student appears on the rank order.

The model will also use statistical predictions at the cohort level to ensure that, as far as possible, national outcomes this year are comparable to previous years. These kind of statistical predictions about the proportion of students achieving grades are used by exam boards each year to support the setting of grade boundaries.

Ofqual will provide a set of requirements to apply the model. Data will be input into the model by exam boards. Ofqual will also provide oversight of the application of the model by carrying out sample testing.

4 Consider whether to consult internal or external stakeholders

a. **Internal stakeholders**

Who will you consult?	How will you consult?	When will you consult?
Project management team	Internal mechanisms	Consulting on an ongoing basis
[DPO]	Yes – ongoing	ongoing
[Engineers, developers and designers]	Yes - ongoing	ongoing
[Information technology (IT)]	Yes - ongoing	Ongoing
[Procurement]	N/A	
[Potential suppliers and data processors]	AO's have been consulted throughout	
[Communications]	Yes	Ongoing
[[client OR customer-facing roles]	Part of the exceptional arrangements consultation	April 2020
[Corporate governance/compliance]	Yes - ongoing	
[Researchers, analysts, and statisticians]	Yes	Ongoing

**b. External stakeholders**

Who will you consult?	How will you consult?	When will you consult?
Awarding Organisations	Ongoing through development of model and drafting of requirements	
Interested parties and individuals	A public consultation has been undertaken. Details of the proposed standardisation model were consulted upon.	April 2020

**5 Assess necessity and proportionality**

Question	Answer/comment
Does the processing actually achieve your purpose?	<p>Yes</p> <p>Without undertaking this sort of exercise, Ofqual is unable to develop a process for moderating centre assessment grades. It is necessary to develop a standardisation model to ensure that, as far as possible, centre assessment grades are standardised across centres. Without a process to review and adjust centre assessment grades, this could lead to unfairness where grades are too severe or generous in a particular centre. Ofqual has tested a number of models and selected the direct centre performance approach. Details about the models tested and the reasons for adopting the final model will be published in a technical report. This will be made available on Ofqual's website on results day along with the model.</p> <p>In developing the model, Ofqual will:</p> <ul style="list-style-type: none"> <li>• Establish clear audit trails and where possible separate development environments from the rest of the IT infrastructure</li> <li>• Ensure algorithmic accountability by checking that the algorithms used are doing what they should do and not producing discriminatory, erroneous or unjustified results -</li> <li>• Have technical and organisational measures in place to ensure inaccuracies in personal data are corrected and risk of errors is minimised</li> <li>• Determine and document approach to bias and discrimination mitigation so that appropriate safeguards can be put in place.</li> </ul>
Is there another way to achieve the same outcome?	No

Question	Answer/comment
Is the processing proportionate to the purposes you are seeking to achieve?	<p data-bbox="683 241 746 275">Yes.</p> <p data-bbox="683 309 1366 450">Ofqual has carefully considered the level of data being processed for this initiative and considers that this is proportionate to meeting its objectives and performing its functions.</p> <p data-bbox="683 483 1302 551">Ofqual will limit using personal data to a level that is required to achieve its objective.</p> <p data-bbox="683 584 1369 685">If it is unable to perform this exercise, the ability of Ofqual to develop a process for moderating centre assessment grades will be compromised.</p> <p data-bbox="683 719 1358 860">Wherever possible, personal data has been anonymised or pseudonymised to mitigate risks to individuals. In developing and testing the model, the level of personal data used was limited to that absolutely necessary.</p>

6 Identify and assess risks

This section identifies actual or potential risks:

Having regard to ICO guidance the risks are:

- *Fairness and transparency – including issues of bias and discrimination – the interpretation of the algorithm and ability to explain decisions to data subjects.*
- *People might not expect their personal information to be used in this way*
- *People might not understand how the process works or how it affects them*
- *The decision taken may lead to a significant adverse effect for some people*
- *Accuracy including both the accuracy of the data used (input data) and the accuracy of data derived from the (output data)*
- *Role of automated processing in aspects that do not involve human intervention.*
- *Security and cyber risks including testing and verification, outsourcing risks and re-identification*
- *Trade-offs – considering the challenges of balancing different constraints when optimising models*
- *Data minimisation and purpose limitation*



- *Exercise of rights of individuals*
- *Impact on broader public interests and rights*

Once relevant risks have been identified, potential solutions are identified and assessed at section 7. A summary of relevant privacy risks and solutions should then be recorded in the Ofqual’s privacy risks register. The privacy risks register should be updated as the project progresses.

**a. Privacy risk to individuals**

Consider whether the following risks arise and, if so, comment on:

—the likelihood of the risk arising (low/medium/high)

—the impact on individual(s) if the risk materialises (low/medium/high)

Processing could contribute to:	Likelihood	Impact	Further information	Overall risk
inability to exercise rights (including but not limited to privacy rights)	L	H	Privacy information is available on Ofqual and AO websites. Centres may appeal the decision where there has been a mistake. Any error identified will be corrected.	L
inability to access services or opportunities	L	H	Individuals will have the opportunity to take exams in Autumn should they feel that the final grade is not acceptable. Centres may also appeal grades. Details about appeals will be published on Ofqual’s website.	M
loss of control over the use of personal data	L	H	Data will be shared securely for the purpose intended. AOs must demonstrate that they have applied the model correctly and ensure that a rigorous system to test and review the data exists. Details	L

Processing could contribute to:	Likelihood	Impact	Further information	Overall risk
			about the personal data that is used and why this is necessary have been provided within the consultation and media releases	
discrimination	L	H	<p>Guidance has been issued to centres to consider potential bias when assessing centre assessed grades and rank orders.</p> <p><i>Where there is evidence of bias or discrimination, individuals will have the ability to raise this with centres and exam boards.</i></p> <p><i>Additionally, Ofqual has undertaken testing of the model to ensure that students are not advantaged or disadvantaged by particular characteristics or socio-economic background.</i></p>	L
identity theft or fraud	L	H	Appropriate technical and organisational measures are in place to protect personal data	L
financial loss	L	H	Financial information is not processed. However, Ofqual recognises that this could link to loss of opportunities to individuals resulting in financial loss.	L

Processing could contribute to:	Likelihood	Impact	Further information	Overall risk
			Individuals will have the opportunity to take exams in the Autumn if they are not satisfied with the grades.	
reputational damage	L	H	Individuals may choose to take exams in Autumn where individuals feel that the calculated grades do not reflect what they would have achieved.  Risk to Ofqual's reputation is significant if standards are not maintained as this will impact upon the integrity of the awards.	L
physical harm	L	H	Appropriate technical and organisational measures are in place to protect personal data. Ofqual recognises that individuals may feel distressed about the process used this year and the application of a standardisation model, however an appeals process is in place as well as the opportunity to take exams in the Autumn.	L
loss of confidentiality	L	H	Appropriate technical and organisational measures are in	L

Processing could contribute to:	Likelihood	Impact	Further information	Overall risk
			place to protect personal data	
any other significant economic or social disadvantage			We have not identified any other economic or social disadvantage arising from the use of the standardisation model and process than already described here.	
Risk of data matching being flawed or inaccurate	L	H	Ofqual has considerable experience in undertaking data matching. Where data is matched, this is subject to checks and validation.	L
Risk of loss or theft of data	L	H	Appropriate technical and organisational measures are in place to protect personal data. Ofqual has policies and procedures in place to keep personal data secure.	L

**b. Legal compliance risks**

Consider whether the following risks arise and, if so, comment on:

—the likelihood of the risk arising (low/medium/high)

—the impact on individual(s) if the risk materialises (low/medium/high)

Risk	Likelihood	Impact	Further information	Overall risk
Non-compliance with the GDPR See appendix below	L	H	This DPIA addresses compliance with GDPR	L
Non-compliance with the Privacy and Electronic	N/A	N/A	N/A	

Risk	Likelihood	Impact	Further information	Overall risk
Communications Regulations 2003 (PECR 2003).				
Non-compliance with sector specific legislation or standards.	L	H	Ofqual is required to maintain standards and public confidence in regulated qualifications. Applying the standardisation model in this exceptional situation will ensure that standards are maintained as far as possible	L
Non-compliance with human rights legislation.	L	H	Consideration has been given to human rights legislation.	L
Potential for reputational damage or loss of public trust	L	H	Ofqual has consulted widely on its proposals and adopted the approach that is fair to students. If standards of qualifications are not maintained this could affect the integrity of the award.	L

7 Identify and evaluate measures to reduce risk

Ensure each of the risks identified in section 6 is addressed in this table.

Potential solution	Which risk(s) would this action address?	Effect on risk (Eliminated, Reduced or accepted)	Residual risk (Low, Medium or High)
Ofqual has consulted upon the standardisation model, providing detailed information including:	<i>Fairness and transparency – including issues of bias and discrimination – the interpretation of the</i>	Reduced	Low

Potential solution	Which risk(s) would this action address?	Effect on risk (Eliminated, Reduced or accepted)	Residual risk (Low, Medium or High)
<ul style="list-style-type: none"> <li>• Why the model is necessary to be able to moderate teacher assessments;</li> <li>• How this will be developed</li> <li>• What data will be used to perform standardisation</li> </ul> <p>Further guidance to centres has been issued to support them in making objective judgments informed by published literature on bias and engagement with expert groups in this area.</p> <p>Moreover, students will be able to raise concerns where there is evidence of bias or discrimination.</p> <p>Further details of the model and how this will be applied have been published. Ofqual has also undertaken extensive testing to ensure that the model selected is the fairest possible.</p> <p>Ofqual has regularly updated its website and issued media releases and engaged with stakeholders to keep individuals informed and updated about the model and processing taking place.</p> <p>Ofqual will publish the final model on A level results day. This will be accompanied by a technical report that will provide details of the model and equalities analysis</p>	<p><i>algorithm and ability to explain decisions to data subjects.</i></p>		

Potential solution	Which risk(s) would this action address?	Effect on risk (Eliminated, Reduced or accepted)	Residual risk (Low, Medium or High)
together with information about the selection process.			
<p>Ofqual has provided details of the kind of personal data that will be used in the model and the reason for using this personal data within its guidance and information provided to centres, parents, students and carers. A consultation has also been undertaken and views of respondents taken into account.</p> <p>Ofqual publishes regular updates (e.g. in the form of blogs) to inform individuals about developments relating to the standardisation process and updates guidance regularly</p> <p>Only information necessary has been used and where possible this has been anonymised or pseudonymised.</p> <p>Ofqual's website contains privacy information including details about how individuals may exercise their rights. Additionally, Ofqual has issued a privacy notice setting out personal data that it will be repurposing due to the current exceptional situation. Ofqual's privacy information can be accessed on its website</p>	<p><i>People might not expect their personal information to be used in this way</i></p> <p><i>Data minimisation and purpose limitation</i></p> <p><i>Exercise of rights of individuals</i></p>	<p>Reduced</p> <p>Reduced</p> <p>Reduced</p>	<p>Low</p> <p>Low</p> <p>Low</p>
Details of the model will be published by Ofqual to explain	<i>People might not understand how the</i>	Reduced	Low

Potential solution	Which risk(s) would this action address?	Effect on risk (Eliminated, Reduced or accepted)	Residual risk (Low, Medium or High)
<p>the model, the data used and how this will be applied.</p> <p>An appeal process is available to centres to review decisions and correct errors.</p> <p>Individuals may also sit an exam in Autumn if they do not agree with the grade.</p>	<p><i>process works or how it affects them.</i></p> <p><i>The decision taken may lead to a significant adverse effect for some people</i></p>		
<p>Ofqual carries out validation and plausibility tests on the data prior to this being processed. Any issues identified are flagged and resolved.</p> <p>Data collected from exam boards is subject to checks on the accuracy of the data by exam boards each year.</p> <p>Ofqual will provide exam boards with a set of requirements to apply the model. This will ensure that exam boards are applying the model consistently. Exam boards will input centre assessed grades and rank orders provided by centres. A number of checks will be carried out by exam boards to check that the input data is accurate. Ofqual will also provide oversight by carrying out sample testing of the model.</p> <p><i>Further details relating to the accuracy of the model will be published in a technical report.</i></p> <p>In terms of output data, exam boards' staff will be carrying out checks and scrutiny of the</p>	<p><i>Accuracy including both the accuracy of the data used (input data) and the accuracy of data derived from the (output data)</i></p>	Reduced	Low



Potential solution	Which risk(s) would this action address?	Effect on risk (Eliminated, Reduced or accepted)	Residual risk (Low, Medium or High)
<p>model once calculated grades are generated and interrogate outputs that are anomalous or merit scrutiny. Responsible officers will be required to sign off the awards.</p>			
<p>Where some aspects of the processing are automated, exam boards will carry out reviews and checks to ensure that the model is operating correctly. Senior responsible officers within exam boards will review the final calculated grades and carry out further investigations where appropriate. Additional review will be undertaken by exam board staff and the responsible officer will sign off the awards.</p>	<p>The role of automated processing in aspects that do not involve human intervention</p>	<p>Reduced</p>	<p>Low</p>
<p>Ofqual has ISO 27001 accreditation. Data management is conducted in accordance with ISO 27001 compliant policies and procedures.</p> <p>Ofqual has policies and procedures in place to protect personal data. This includes firewalls, malware protection, back-ups and anti-virus protection. Any sharing of personal data takes place within a secure collaboration space. Access to this area is controlled by Ofqual and only designated individuals are granted access. The area is controlled by multi factor authentication and a full audit trail is available. Where possible data is anonymised or pseudonymised before sharing.</p>	<p><i>Security and cyber risks including testing and verification, outsourcing risks and re-identification</i></p>	<p>Reduced</p>	<p>Low</p>

Potential solution	Which risk(s) would this action address?	Effect on risk (Eliminated, Reduced or accepted)	Residual risk (Low, Medium or High)
Clear processes are in place for reporting and handling personal data breach.			
Ofqual has considered the various approaches to modelling and the different constraints. Ofqual has balanced the constraints to be as fair as possible to students whilst maintaining standards overall. Further details will be provided in the technical report to be published by Ofqual.	<i>Trade-offs – considering the challenges of balancing different constraints when optimising models</i>	Reduced	Low
<p>This situation has arisen due to the Covid-19 pandemic and could not have been foreseen. It is considered that the public interest lies in delivering grades to students that are as fair as possible and will allow them to progress.</p> <p>Centres will have the opportunity to appeal and/or students can take exams in the autumn if they are not satisfied with the grade awarded.</p> <p>Whilst this may delay the final grade, there is no alternative available given the current exceptional situation.</p>	<i>Impact on broader public interests and rights</i>	Reduced	Low
Access to data is restricted to specific individuals. Any sharing of data takes place within a secure space monitored and controlled by Ofqual.	Access to data by individuals not entitled to have the data.	Reduced	Low
Ofqual uses specialist software for data matching. Ofqual also carries out checks aimed at ensuring that we match the	Data linking matching being compromised or inaccurate	Reduced	Low

Potential solution	Which risk(s) would this action address?	Effect on risk (Eliminated, Reduced or accepted)	Residual risk (Low, Medium or High)
right number of candidates expected to be matched			
Introducing retention periods to keep information for only as long as necessary. This DPIA is reviewed regularly and where data is identified as no longer necessary, this is securely removed. Any data sharing agreement will specify the retention period for shared data.	Keeping data for longer than is necessary	Reduced	Low
Policies and procedures are in place to ensure secure destruction of information that no longer needs to be retained.	Failure to delete/destroy securely	Reduced	Low
Implementing appropriate physical and technological security measures. As stated above, policies and procedures are in place to prevent and detect a security breach.	Avoid a security breach	Reduced	Low
Ensure information is pseudonymised or anonymised where possible. Any information sharing agreement shall contain a specific provision to prohibit reidentification of personal data where this is pseudonymised.	Identification of individuals	Reduced	Low

8 Sign off and record DPIA outcomes

**a. Summary of DPO advice**

The standardisation of grades this summer is unique due to the Covid 19 pandemic. A number of measures shall be implemented to address the risk to individuals, particularly providing an explanation of how the model will apply and why the model was chosen. It is

recommended that this DPIA is shared with AOs and reviewed regularly to ensure that the risks are reviewed and updated where necessary.

**b. Summary of privacy risks and approved solutions**

Risk	Approved solution	Approved by
As detailed above	Proposed solutions set out above	Michelle Meadows

**c. Stakeholder consultation**

As part of the consultation relating to exceptional arrangements for awarding grades in Summer 2020, the public were consulted regarding the basis of the standardisation model.

ICO consultation

Does this assessment indicate that the processing involved in the project would present a high risk in the absence of mitigation measures?	Yes, due to the volume and nature of data being processed.
If yes, can those risks be mitigated by reasonable means in terms of available technologies and costs of implementation?	Yes
If it is necessary to consult with the ICO, has this been done?	In light of the assessment that this processing, with mitigating measures, would not result in a high risk, prior consultation with the ICO is not required. However, we have engaged with the ICO regarding this processing and will share this DPIA with the ICO.

**d. Approval and sign off**

I confirm that I have reviewed this DPIA and am satisfied that:

- 8.d.1 Ofqual's DPO has being consulted and has advised on this DPIA; and
- 8.d.2 It is proposed consult with the ICO.
- 8.d.3 stakeholders have been consulted, as appropriate, and their views taken into account where relevant
- 8.d.4 the proposed project complies with the data protection principles in Article 5 of the GDPR.
- 8.d.5 in relation to the processing of personal data, at least one of the lawful grounds in Article 6 of the GDPR applies.

- 8.d.6 in relation to the processing of special category personal data, at least one of the exceptions in Article 9 of the GDPR also applies
- 8.d.7 all relevant privacy risks and solutions have been entered into the Ofqual's privacy risk register and arrangements have been made to monitor the register at regular intervals throughout the duration of this project
- 8.d.8 the solutions identified in this assessment represent a targeted and proportionate response to the identified privacy risks

<b>Name(s)</b>	Michelle Meadows
<b>Job title</b>	Executive Director
<b>Date</b>	12 August 2020

9 Integrate DPIA outcomes into overall project plan

**a. High-level actions**

Action to be taken	Date for completion or frequency	Responsibility for action
Integrate the DPIA outcomes into the project and update relevant documents. /	Currently being undertaken	[REDACTED]
Implement the approved privacy risk solutions.	Ongoing	[REDACTED]
Review the DPIA and project plan at regular intervals.	monthly	[REDACTED]
Update the DPIA and project plan as and when required and/or at regular intervals.	monthly	[REDACTED]
Conduct consultations.	Informal consultation conducted with ICO	DPO

**b. Specific actions**

Action to be taken	Date for completion	Responsibility for action
The actions identified above will be undertaken in developing and deploying the model and measures will continue to remain in force until conclusion.	Ongoing	[REDACTED]

Action to be taken	Date for completion	Responsibility for action
Explanation of the model	Prior to September 2020	Comms
Set up secure collaboration space for sharing and monitor access	Prior to sharing	[REDACTED]
Check accuracy of data matching	Prior to sharing	[REDACTED]
Obtain secure deletion of dataset once no longer necessary to retain	To be reviewed at the end of the project	[REDACTED]

THE APPENDIX  
[GDPR COMPLIANCE RISKS]

Answering these questions during the DPIA process will help you identify whether there is a risk that the project will fail to comply with the GDPR. This will help you complete section b.

**Fair, lawful and transparent processing**

Article 5(1)(a) of the GDPR: personal data shall be processed lawfully, fairly and in a transparent manner, in particular, shall not be processed unless:

—at least one of the lawful grounds for processing in Article 6 of the GDPR applies, and

—in the case of special category personal data, at least one of the exceptions in Article 9 of the GDPR also applies

Question	Answer
Have you identified the purpose of the project?	Yes  To develop and deploy a standardisation model to support the calculation of grades in summer 2020.
How will individuals be told about the use of their personal data?	Details of the standardisation process were provided as part of the wider consultation on exams published in April 2020. A letter was also published for students informing them about the standardisation of grades. A privacy notice has been placed on Ofqual's website explaining how it will use personal data for a new purpose. Details of the model will also be published on Ofqual's website that will provide further details of the personal data used.
Do you need to amend your privacy notices?	General information is provided on our website to inform the public and data subjects that Ofqual will be working with exam boards to develop a process for awarding grades. Further privacy information has been provided detailing the use of personal data for the purpose of assessing grades this summer.
Have you established which lawful ground for processing applies?	Public Task (Article 6 (1) (e) and Article 9 (2) (g))
If you are relying on consent to process personal data:  —how will you ensure that consent meets the requirements of the GDPR (freely given, specific, informed and unambiguous	N/A

Question	Answer
<p>indication of the data subject's wishes by way of a statement or a clear affirmative action)</p> <p>—what will you do if it is withheld or withdrawn</p>	
<p>[If you are subject to the Human Rights Act 1998:]</p> <p>[—will your actions interfere with the right to privacy under Article 8?]</p> <p>[—have you identified the social need and aims of the project?]</p> <p>[—are your actions a proportionate response to the social need?]</p>	<p>Any processing of personal data will be in accordance with data protection laws and compliant with Article 8 ECHR.</p>

**Data obtained and processed for specified, explicit and legitimate purposes**

Article 5(1)(a) of the GDPR: personal data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.

Question	Yes/No or Comment
Does your project plan cover all of the purposes for processing personal data?	Yes
Have potential new purposes been identified as the scope of the project expands?	No

**Personal data adequate, relevant and not excessive**

Article 5(1)(c) of the GDPR: personal data shall be adequate, relevant and limited to what is necessary in relation to the purposes for which it was processed (data minimisation).

Question	Yes/No or Comment
Is the information you are using of good enough quality for the purpose it is used for?	Yes – data is provided by AOs and taken from the NPD
Which personal data could you not use, without compromising the needs of the project?	All personal data identified within section 3 as the model cannot operate without this data



### Personal data shall be accurate and kept up-to-date

Article 5(1)(d) of the GDPR: personal data shall be accurate and, where necessary, kept up-to-date — every reasonable step must be taken to ensure that inaccurate personal data is erased or rectified without delay.

Question	Yes/No or Comment
If you are procuring new software, does it allow you to amend data where necessary?	N/A
How will you ensure personal data obtained from individuals or other organisations is accurate?	AOs are required to provide summer awarding data each year to Ofqual. AOs are required to ensure the accuracy of the data

### Personal data not kept longer than necessary

Article 5(1)(e) of the GDPR: personal data which permits identification of data subjects shall be kept for no longer than is necessary for the purposes for which it is processed.

Question	Yes/No or Comment
What retention periods are suitable for the personal data you will be processing?	Ofqual will continuously keep this under review to ensure that personal data is only retained for as long as necessary. Reviews will take place monthly.
Are you procuring software which will allow you to delete information in line with your retention periods?	No.

### Personal data processed in accordance with rights of data subjects

Articles 15 to 22 of the GDPR: personal data shall be processed in accordance with the rights of data subjects.

Question	Yes/No or Comment
Will the systems you are putting in place allowing you to respond to subject access requests more easily?	Subject access requests will be dealt with as usual according to the existing procedures of each AO and Ofqual.
Does the project have any implications for any other data subject rights, e.g. rectification, erasure, restriction of processing, portability and the right to object?	No – Individuals can continue to exercise rights available to them. Privacy information is available at <a href="https://www.gov.uk/government/organisations/ofqual/about/personal-information-charter">https://www.gov.uk/government/organisations/ofqual/about/personal-information-charter</a>
If the project involves marketing, is there a	N/A

Question	Yes/No or Comment
procedure for individuals to opt out of their information being used for that purpose?	

**Protection against unauthorised or unlawful processing, loss, destruction or damage**

Article 5(1)(e) of the GDPR: appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss, destruction or damage.

Question	Yes/No or Comment
Do any new systems provide protection against the security risks you have identified?	Information will be shared within a secure collaboration space. Access to this area will be controlled by Ofqual.
What training and instructions are necessary to ensure staff know how to operate a new system securely?	Staff will be required to understand the data sharing agreement and the security measures to be implemented as set out in this DPIA

**Personal data not transferred outside EEA unless adequately protected**

Chapter V of the GDPR: personal data shall not be transferred to a country or territory outside the EEA unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

Question	Yes/No or Comment
Will the project require you to transfer data outside of the EEA?	No
If you will be making transfers, how will you ensure the data is adequately protected?	