

Individuals' rights of access to examination records

This guidance explains the right to access examination records under the Data Protection Act 1998 (the DP Act). The Freedom of Information Act 2000 (Fol Act) also gives individuals the right to access other (non-personal) information held by public authorities.

Most of the information colleges and universities have relating to students' examinations will be personal data. Universities and colleges need to deal with requests from students for information about their exam performance within 40 days. They will also have to deal with requests for general information made under the Fol Act within 20 working days.

What kind of requests may universities and colleges receive?

Students may request information about examinations they have taken including:

- examination marks;
- examination scripts;
- examiners' comments; and
- minutes of examination appeals panels.

Students may request:

- university or college policies and procedures; and
- policies and procedures relating to marks and appeals.

Students usually request this information if they are unhappy with their examination result and are considering an appeal.

Are students entitled to this information under these Acts?

Requests made under the Data Protection Act

There are two exemptions for certain exam-related information which universities and colleges can use.

- **Examination scripts (Schedule 7(9) of the Act)**
Universities and colleges do not have to provide exam scripts or the information recorded in them.
 - **Examiners' comments** – these are not covered by the exemption. Comments recorded by an examiner about the performance of a candidate in an examination may be personal data and so available to a student making a subject access request. This is the case whether the comments are on the examination script or on a separate marking sheet.
- **Examination marks (Schedule 7 (8) of the Act)**
This exemption extends the period in which a college or university has to deal with a request for access to examination marks if the request is made before the results are announced. The college or university must respond within:
 - five months of the date of the request; or
 - 40 days of the date the results are published;whichever is earlier.

Information Commissioner - Data Protection Good Practice Guidance

In practice, this exemption prevents students from getting their results before they are officially announced.

Requests made under the Freedom of Information Act

General information, such as policies and procedures, may be available to students under the FoI Act, although there are some exemptions. You can find information about the exemptions in our FOI guidance at www.ico.gov.uk.

Other considerations

Students may try to get their marks early to gain an advantage over prospective competitors in the employment market or in the admissions process to an educational institution. Having the extended response period makes sure students all get their results at the same time.

- Some institutions may follow a policy of withholding examination results from students who haven't paid examination or course fees. There is no exemption in the Data Protection Act that a university or college could use to refuse a request for this reason. We would stress that providing an individual with results is not the same as awarding a degree or other qualification.

Good practice

The exemptions mentioned in this guidance are there for colleges and universities to use, if they want to. However, universities and colleges will benefit from being open, transparent and accountable and students will want to be confident that the examination process is fair and consistent.