

Freedom of Information Request

FOI/CM/18/29

REQUEST FROM CANDIDATE FOR THEIR ASSESSMENT PAPER AND ANSWERS TO
THE ASSESSMENT

13 July 2018

Dear Sir/Madam

I am looking for a breakdown of last month's assessment results in a format similar to the
below:

Question 1 "Question as written in the exam"

- a. "answer as written in the exam" (Correct answer)
- b. "answer as written in the exam" (Your answer)
- c. "answer as written in the exam"
- d. "answer as written in the exam"

RESPONSE

24 July 2018

Dear [REDACTED]

Thank you for your email sent on 13 July 2018, which has been forwarded to me to deal with.
Allow me to introduce myself as one of the OISC's Information Officers. It is my responsibility
to deal with requests such as yours.

As your request relates to the answers you selected in your assessment, the information you
have requested constitutes personal data under Article 4(1) of the General Data Protection
Regulation (GDPR). As such, I have considered your request to be a subject access request
under Article 15 of the GDPR and not a Freedom of Information request made under the
Freedom of Information Act 2000.

Pursuant to Article 23(1) GDPR:

"Union or Member State law to which the data controller or processor is subject may
restrict by way of legislative measure the scope of the obligations and rights provided
in Articles 12 to 22..."

In light of this, I draw your attention to Schedule 2, Part 4, paragraph 25(1) of the Data
Protection Act 2018, which states:

"The listed GDPR provisions do not apply to personal data consisting of information
recorded by candidates during an exam"

Please note that the 'listed GDPR provisions' are set out in Schedule 2, Part 4, paragraph 18 of the Data Protection Act 2018, which lists the following provisions:

“(a) Article 13(1) to (3) (personal data collected from data subject: information to be provided);

(b) Article 14(1) to (4) (personal data collected other than from data subject: information to be provided);

(c) Article 15(1) to (3) (confirmation of processing, access to data and safeguards for third country transfers);

(d) Article 5 (general principles) so far as its provisions correspond to the rights and obligations provided for in the provisions mentioned in sub-paragraphs (a) to (c).”

In those circumstances, as you have requested the answers you selected in your assessment, your request is exempt from the provisions of the GDPR.

Please also note that we will not release the questions or answers to any part of this assessment paper to ensure the integrity of our assessment procedure.

If you are not content with this response, you may contact us with a further request. If you remain dissatisfied, you may contact the Information Commissioner's Office with your concern. Please see their website at the following link <https://ico.org.uk/>.

Kind regards,

For and on behalf of the Office of the Immigration Services Commissioner

