

TRANSPARENCY

## Malpractice privacy notice

Use of your data if you report malpractice to Ofqual

**ofqual**

# Contents

<b>Why we need your information and how we use it.....</b>	<b>3</b>
<b>What personal data we collect and who has access to it.....</b>	<b>3</b>
<b>Where your personal data is stored and how long we keep it.....</b>	<b>4</b>
<b>How Ofqual protects your personal data.....</b>	<b>5</b>
<b>Your rights.....</b>	<b>5</b>
<i>The Information Commissioner's Office (ICO) .....</i>	<i>6</i>

## Why we need your information and how we use it

It is necessary for us to collect and hold personal information about you in order to investigate your concern(s) relating to malpractice. This might be a concern about wrongdoing, risk or malpractice relating to exams, key stage tests (SATs), assessment of regulated qualifications or the activities of awarding organisations we regulate.

You may contact us anonymously to make a malpractice complaint if you prefer. Where you provide your personal data, Ofqual collects and holds personal information about you in order to investigate your concern(s). We will hold the information you provide to us securely and use it to help us to investigate your concerns.

Ofqual will process your personal data in order to carry out our statutory functions. In relation to raising a concern of malpractice, this will specifically enable Ofqual to:

- consider and investigate concerns relating to the development, delivery or award of regulated qualifications
- carry out investigations of regulated awarding organisations and regulated qualifications, for the purposes of considering their compliance with Ofqual's regulatory requirements
- take regulatory action against an awarding organisation (for example we might direct an awarding organisation to take certain actions)

The lawful basis we rely on to process your personal data is article 6(1)(e) of the GDPR which allows us to process personal data when this is necessary to perform our public tasks as a regulator.

If the information contains special category data, such as health, religious or ethnic information the lawful basis we rely on to process it is article 9(2)(g) of the GDPR, which also relates to our public task, and Schedule 1 paragraph 2(6) of the Data Protection Act 2018 which relates to statutory and government purposes.

## What personal data we collect and who has access to it

We will ask for your name and an email address (as we will email you a copy of the form you have completed for your records). We will also ask you for your organisation's name and your telephone number, although these are not mandatory.

If you are worried about being identified, you can raise concerns of malpractice to Ofqual anonymously. We treat anonymous concerns just as seriously as those made openly. However, if you do raise concerns anonymously, we may not be able to investigate your concerns as effectively.

We will also ask for further information so that we can investigate your concerns, such as the qualifications affected, awarding organisations and/or schools, colleges or centres involved, number of candidates affected and your report of the incident, along with any supporting documents or evidence.

We recognise that the personal information in a malpractice report can relate to the complainant(s), the accused, witnesses or others that are mentioned. We rely on Article 6 (1) (e) of the GDPR as our lawful basis to process this personal data and Article 9 (2) (g) of the GDPR and Schedule 1 paragraph 2 (6) of the Data Protection Act 2018 to process special category data.

For more information about how Ofqual processes personal data, please refer to our [personal data protection policy](#).

To ensure Ofqual deals with your concerns equally and fairly, all disclosures, including those sent to other departments in Ofqual, including the Chief Regulator or board members, will be forwarded to the complaints investigation team for action.

Your information will be shared internally with Ofqual staff in relevant departments in order that we can handle, investigate and respond to your disclosure. Internal access to information processed as part of the investigation is granted to limited individuals who need to have access to the information. Our aim at all times is to ensure as far as possible the confidentiality of the information received.

In certain situations, we might need to share the information you send to us with third parties, such as awarding organisations, in order to gather information about your concerns. We will look into concerns raised anonymously and pass these on to the relevant awarding organisation(s) where appropriate. However, please be aware that it may not always be possible to investigate concerns that are raised anonymously fully.

We may also share your information with other organisations, such as government departments, enforcement agencies and the police if we think it is necessary to do so. There may also be certain circumstances where we are required, by law, to share your information.

Ofqual publishes an annual summary of activity in relation to malpractice. However, this will not include any individual's details or personally identifiable information.

## Where your personal data is stored and how long we keep it

Your personal data will be stored securely in Ofqual's case management, document management and email systems. Access to this information is strictly controlled and reviewed.

Ofqual will hold details of your malpractice concerns, including your personal data, for 5 years.

# How Ofqual protects your personal data

Ofqual takes the security of your personal data seriously. Ofqual has internal policies and controls in place to protect your data from loss, accidental destruction, misuse or disclosure. Some of the ways in which Ofqual protects your personal data include:

- implementing appropriate technical and organisational measures to protect the confidentiality, integrity and availability of personal data and information
- regular review of Ofqual information assurance and security policies and procedures
- on-going training and awareness for staff on information assurance and security
- alignment with codes of conduct, certification schemes and government guidance, including the HMG Security Policy Framework, government baseline security standards, and the National Cyber Security Centre (NCSC)
- use of the government Supplier Assurance Framework and Crown Commercial Services frameworks when working with suppliers and third parties
- regular review of security and cyber risks

## Your rights

Ofqual is committed to being transparent about how it collects and uses your personal data and to meeting its data protection obligations. Ofqual is a Data Controller under data protection legislation and we comply with the data protection principles when processing your personal information.

Under data protection legislation, you have a number of rights. You can:

- access and obtain a copy of your personal data
- require Ofqual to rectify / change incorrect or incomplete personal data
- require Ofqual to delete / erase your personal data
- request Ofqual restrict the processing of your personal data (in certain circumstances)
- request your personal data in a portable format
- object to the processing of your personal data

In terms of restricting how Ofqual processes your personal data, please be aware that we cannot guarantee your confidentiality. We may need to disclose your identity where we are required to do so, for example, by law. We do however, take the issue of maintaining your confidentiality seriously and we will protect your identity as far as possible. You should also recognise that you might be identifiable by others due to the nature or circumstances of your concern.

If you would like to exercise any of these rights, please contact Ofqual's Data Protection Officer via email at [dp.requests@ofqual.gov.uk](mailto:dp.requests@ofqual.gov.uk) or complete the online form which is available at:

<https://www.gov.uk/government/organisations/ofqual/about/personal-information-charter>

You can also write to the Data Protection Officer at:

Ofqual  
Floor 2  
1 Friargate  
Station Square  
Coventry  
CV1 2GN

## The Information Commissioner's Office (ICO)

The Information Commissioner's Office (ICO) is the UK's independent body set up to uphold information rights. If you would like to know more about your rights under data protection legislation, and what you should expect from us, please visit the ICO website at [www.ico.org.uk](http://www.ico.org.uk).

If you believe that Ofqual has not complied with your data protection rights, please contact Ofqual's Data Protection Officer in the first instance. You can also complain directly to the Information Commissioner at:

Information Commissioner's Office

Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

0303 123 1113



© Crown Copyright 2020

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated.

To view this licence, visit

[www.nationalarchives.gov.uk/doc/open-government-licence/](http://www.nationalarchives.gov.uk/doc/open-government-licence/)

or write to

Information Policy Team, The National Archives, Kew, London TW9 4DU

Published by:

**ofqual**

Floor 2  
1 Friargate  
Station Square  
Coventry  
CV31 2GN

0300 303 3344  
[public.enquiries@ofqual.gov.uk](mailto:public.enquiries@ofqual.gov.uk)  
[www.gov.uk/ofqual](http://www.gov.uk/ofqual)