

## **Privacy Notice**

### **Relating to use of WJEC's remote Invigilation platform**

#### **Introduction**

This privacy notice is provided by WJEC. WJEC is Wales' largest provider of bilingual qualifications.

In response to the disruption caused to the delivery of qualifications by the coronavirus pandemic, WJEC has introduced a new service to schools and colleges (**'Centres'**) whereby:

- Certain of WJEC's online examinations and assessments can be sat by candidates at locations other than Centre premises (for example, at work or from home);
- The invigilation of the relevant examinations and assessments by Centres will take place remotely, either in real time (i.e. while the examination or assessment is taking place) (known as **'Live Invigilation'**) or by Centres subsequently reviewing a recording of a candidate taking the examination or assessment (known as **'Record & Review Invigilation'**).

The services described above (the **'Remote Invigilation Services'**) will be provided using a remote invigilation platform (the **'System'**) made available to WJEC by a third party organisation, Talview Inc (**'Talview'**).

Use of the System to deliver the Remote Invigilation Services will involve the use of candidate personal information in a number of new ways. It will also result in the generation of new personal information relating to candidates. For example:

- Centres and WJEC will need to share additional personal information with one another relating to candidates who will be sitting relevant online examinations and assessments;
- WJEC will need to make certain personal information relating to candidates available to Talview; and
- The System will make use of artificial intelligence (AI) software to monitor candidates when sitting online examinations and assessments in order to detect behaviour which may indicate candidate malpractice.

The purpose of this privacy notice is to provide candidates who will be using the System with information relating to WJEC's use of their personal information. Amongst other things, this privacy notice includes information for candidates about what personal information relating to them will be used and/or generated as a result of the provision of the Remote Invigilation Services by WJEC, the ways in which candidates' personal information will be used and who it will be shared with.

**This privacy notice supplements WJEC's general privacy policy, which you can find on WJEC's website [here](#) .**

Candidates who will be using the System will also be sent additional guidance by Centres and/or WJEC relating to the processes and procedures involved.

### **What personal data will be processed and why?**

The provision by WJEC of the Remote Invigilation Services will involve the use of the following personal information relating to candidates:

- Your forename and surname;
- Your email address;
- Your candidate Identification Number; and
- Your student card or other form of photographic identification (**'Photo ID'**).

The above personal information will be provided to WJEC by Centres or, in the case of Photo ID, by candidates directly.

Use of the personal information listed above is necessary for the following purposes:

- To enable WJEC to make the necessary arrangements with Talview to set up remote invigilation sessions;
- To enable Centres to check the identity of candidates by comparing their on-screen image to their Photo ID; and
- To enable Talview to share with WJEC and Centres recordings and data generated during remote invigilation sessions.

In addition, the following personal information relating to a candidate will be generated as a result of the candidate's use of the System:

- A video recording of an 'environmental check' carried out by the candidate prior to beginning an online examination or assessment. This will essentially involve the candidate scanning the area around and under their desk in order to evidence that the candidate does not have any materials or devices which could be used to assist them during an examination or assessment;
- A screen shot of the candidate's face. This image will be used by Centres to assist with the identification of candidates and so that the AI software referred to above is able to identify a human face when monitoring an online examination or assessment. No facial recognition technology is used within the AI software;
- A video recording (film and audio) of the candidate sitting the relevant online examination or assessment. Such recording will be automatically created by the System once a candidate begins their online examination or assessment and will be used by Centres for the purposes of invigilation;
- Data generated by the AI software as a result of the monitoring of the candidate whilst taking the examination or assessment. Such data will comprise automated flags identifying behaviour which could indicate candidate malpractice and an overall compliance rating;

- Data generated by Centre invigilators when invigilating an examination or assessment. Such data will consist of digital flags and commentary (where an invigilator observes behaviour which may indicate candidate malpractice) and an overall compliance rating.

In accordance with normal examination and assessment practice, Centres will be responsible for making final decisions about the presence of candidate malpractice in accordance with their internal policies and procedures.

### **What is the lawful basis for WJEC's processing of candidate personal information?**

Personal information can only be used by organisations if such use can be justified by the existence of one or more 'legal bases' for processing. The legal bases which may be relied upon are set out in UK data protection legislation.

The legal basis which will be relied upon by WJEC in relation to the processing of candidate personal information for the purposes of the Remote Invigilation Services is that such processing is necessary for the purpose of legitimate interests pursued by WJEC and Centres.

Those legitimate interests are that, particularly as a result of the coronavirus pandemic, WJEC needs to identify and provide new ways of delivering its qualifications, in accordance with the required standards.

In addition, in relation to health and social care qualifications, WJEC and City & Guilds deliver a joint suite of qualifications and City & Guilds already uses the System. Use of the System by WJEC, therefore, ensures that there is consistency and continuity for candidates across the suite of qualifications.

### **Who will WJEC share candidate personal information with?**

- WJEC will share candidates' names, email addresses and candidate identification numbers with Talview for the purposes of enabling Talview to schedule and run remote invigilation sessions
- Recordings and also data generated by the operation of the AI software will be made available by WJEC to Centres for the purpose of Record & Review Invigilation and to enable Centres to reach decisions concerning candidate malpractice.

### **What security measures are in place?**

The System is protected by technical and organisational security measures and access to candidate personal information will be restricted to those members of WJEC, Talview and Centre staff who require such access to perform their roles.

Also:

- All WJEC, Talview and Centre staff members who have access to the System will be bound by confidentiality obligations to ensure that they can only use candidate personal information for the purposes of performing their roles; and

- Access to recordings will be restricted to a limited number of Centre and WJEC staff members.

### **Will there be any solely automated decision making?**

Under data protection law, specific rules apply if an important decision is made about an individual using their personal information by automated means (i.e. without any human involvement).

Although the System uses AI software to monitor candidates during online examinations and assessments and to generate compliance ratings, no decision about candidate malpractice will be made by a Centre solely on the basis of data generated by the AI software.

In relation to both Live Invigilation and Record and Review:

- Centre invigilators will observe either live sessions or recordings of sessions; and
- Centres will reach decisions about candidate malpractice in accordance with their internal policies and procedures and only after considering all of the evidence, including flags and comments made by human invigilators. Ratings and data produced by the AI software will merely be used to assist Centres with this process.

### **How long will WJEC retain candidate personal information?**

Personal information relating to candidates will be stored on the System by Talview on behalf of WJEC for a period of 3 months from the date on which the relevant examination or assessment takes place. Personal information relating to candidates are retained for this period for the purpose of enabling WJEC and Centres to review the relevant information should they need to.

After this 3-month period, candidate personal information will be removed from the System and archived by Talview on behalf of WJEC for a further period of 3 months. Access to candidate personal information during this period is subject to additional restrictions. The purpose of such archiving is to enable WJEC to access candidate personal information should an issue or query arise in relation to an examination or assessment.

At the end of the archive period, candidate personal information will be permanently deleted by Talview.

### **Will candidate personal information be transferred outside the UK?**

If an organisation transfers an individual's personal information outside the UK (a '**restricted transfer**'), it must ensure that certain conditions are met.

In this case, although the System is hosted by Talview in the EEA (which is permitted by special arrangements in place between the UK and EEA):

- Talview is established and located in the USA and uses a limited team of employees based in India to provide support in relation to the System;

- If Centres use Live Invigilation, Talview may need to use a sub-contractor established in India to undertake certain tasks.

Consequently, WJEC is required to take additional steps to ensure that candidates' personal information is properly protected.

WJEC has undertaken a transfer risk assessment to assess the risks involved in making a restricted transfer to Talview and has concluded that the risk to data subjects is minimal. WJEC and Talview have also put in place additional safeguards to ensure that candidate personal data is appropriately protected.

Centres will only use Live Invigilation where this is agreed with WJEC. In this situation, WJEC will take the steps referred to above to ensure that candidate personal data is appropriately protected.

### **What rights do candidates have in relation to their personal information?**

Individuals have a number of rights in relation to their personal information under UK data protection law. These are:

**A right of access:** This is a right to obtain access to an individual's own personal information and various supplementary information.

**A right to have personal information rectified:** This is a right to have personal information rectified if it is inaccurate or incomplete.

**A right to erasure:** This is a right to have your personal information deleted or removed in certain circumstances.

**A right to object:** This is a right to object to the use of your personal information in certain circumstances.

**A right to restrict processing:** This is a right to 'block' or suppress processing of your personal information.

**A right to data portability:** This is a right to obtain and re-use your personal information for your own purposes in certain limited circumstances.

Not all of the above rights may apply in relation to the personal information which will be being processed by WJEC in relation to the provision of the Remote Invigilation Services. You can find out more about your rights and when they apply on the Information Commissioner's Office website.

### **How can you contact WJEC?**

WJEC's Data Protection Officer is Ben Newby. You can contact Ben as follows [ben.newby@wjec.co.uk](mailto:ben.newby@wjec.co.uk).

For further information contact [info@wjec.co.uk](mailto:info@wjec.co.uk).

If we are unable to deal with a complaint to your satisfaction or if you are unhappy with the way we are using your personal information, you also have the right at any time to make a complaint to the ICO. You can contact the ICO at <https://ico.org.uk/concerns> or by telephoning 0303 123 1113.