



## **Information for candidates – Privacy Notice**

### **General and Vocational qualifications**

Pearson is committed to respecting and protecting Your privacy. This Privacy Notice is provided for our examination candidates and, for candidates who are under 18 years of age or have person(s) who make decisions for them, for the person(s) who have parental responsibility or are appointed to make decisions for those candidates.

This Privacy Notice tells you about how we process your personal data (including our collection, usage and sharing of your personal data) and how your personal data will be processed by third parties who we share it with.

#### **1. Scope**

- 1.1 This Privacy Notice tells you about our processing of your personal data in relation to examinations and assessments awarded by Pearson. It does not apply to Pearson's other products and services, which have their own privacy notices.
- 1.2 Where we process your personal data in our capacity as an awarding body, we will only process it in accordance with this Privacy Notice (and any other information we give to You about how we process your personal data) and in accordance with applicable data protection legislation.

#### **2 Your data controller**

- 2.1 The Data Controller for the purposes of applicable data protection legislation is Pearson Education Limited ("Pearson"). Pearson is the largest awarding organisation in the UK offering academic and vocational qualification that are globally recognised, with educational excellence rooted in names like Edexcel, BTEC, and LCCI.
- 2.2 Pearson qualifications are regulated by Ofqual in England, Qualifications Wales in Wales, Scottish Qualifications Authority (SQA) in Scotland and by the Council for the Curriculum, Examinations and Assessment (CCEA) in Northern Ireland.
- 2.3 For any questions regarding how we use your personal data, you can contact us at:

Data Protection Officer for the EU and UK: 80 Strand, London, WC2R 0RL

EU Representative: Pearson Deutschland GmbH, Kaiserstraße 44, 60329 Frankfurt am Main, Germany

You may also email us at [dataprivacy@pearson.com](mailto:dataprivacy@pearson.com).

#### **3 Information we collect about you**

Pearson will obtain information about you from the following sources:

- 3.1 Directly from you. You will know what personal data we obtain from you, because you (or someone who you trust, and who you have authorised, such as a member of your family)

provide it to one or more of us. Examples include: personal data that forms part of your work that is examined or assessed, when you ask for special arrangements and reasonable adjustments for you to perform an examination;

- 3.2 From your centre. Pearson is likely to be informed of any information that you provide to your centre which is relevant to the Pearson qualification you are taking.
- 3.3 Created by Pearson. Pearson will personal data about you including a unique candidate number, the results of the examinations that you take; certificates of examination awarded to you; the outcome of any investigation conducted by Pearson into any examination taken by you; the outcome of any appeal by you that is determined by Pearson; and correspondence that is issued to the centre or other third parties by Pearson.
- 3.4 From other sources. Pearson may receive personal data about you from any other JCQ Awarding Body or from third parties such as local authorities, medical including mental health practitioners (in relation to Access Arrangements and/or special consideration), the Police or Crown Prosecution Service (in relation to crimes relating to Examinations), and immigration agencies.

#### **4 Sensitive data we collect about You**

- 4.1 Pearson will obtain sensitive personal data about you from any of the above sources about the following, where applicable:
  - 4.1.1 your racial or ethnic origin, political opinions, religious or philosophical beliefs and sexual orientation, for purposes such as equality monitoring or providing Access Arrangements;
  - 4.1.2 your health, for purposes such as providing Access Arrangements and/or special consideration; and
  - 4.1.3 alleged or actual crimes relating to examinations that you take, such as alleged fraud.

#### **5 Children and adults with representatives**

- 5.1 If you are under 18 years of age, the person(s) who have parental responsibility for you or who make(s) decisions for you is/are ultimately responsible for providing your personal data to us and for exercising your rights under data protection legislation. If we ever need to obtain consent from you for processing your personal data we will accept that person(s) consent.
- 5.2 If you are under 18 but more than 13 years of age, we will also accept that you are competent to make decisions about the processing of your personal data. Therefore you may give us consent for processing and you may exercise your rights under data protection legislation as well.
- 5.3 In other cases, even if you are over 18, we may need the person(s) who make(s) decisions for you to provide your personal data, confirm your consent decisions, and exercise your rights under data protection legislation.

#### **6 Pearson’s use and disclosure of your personal data**

- 6.1 Pearson may use your data for the following purposes to discharge its responsibilities as an awarding body.

<b>Purpose</b>	<b>Legal basis</b>
(1) Conducting examinations and carrying out examination-related administration,	Performance of a contract with you

<p>including enrolling the candidate for any examination(s), equality monitoring, deciding on Access Arrangements and/or special consideration, storing and transporting examination scripts, corresponding and dealing with the centre, marking and moderating examinations, deciding the results of examinations, awarding qualifications, and conducting any investigations or appeals relating to examinations or certificates.</p>	<p>Necessary for our legitimate interests in the conduct and administration of examinations.</p> <p>Performance of a task carried out in the public interest.</p> <p>Necessary for a legal obligation to which we are subject</p> <p><i>In the case of special category data used in relation to Access Arrangements:</i> explicit consent obtained from you by the centre.</p> <p><i>In the case of special category data relating to Your race, ethnicity, politics, beliefs or sexual orientation:</i> For reasons of substantial public interest on the basis of UK law on equality of opportunity or treatment.</p>
<p>(2) Disclosing the results of examination(s) and qualifications awarded by Pearson to the centre, to the relevant local authority, public bodies (including the UK Department for Education, the UK Education Funding Agency, the UK Skills Funding Agency, the Welsh Government, the UK Learning Records Service, the UK Higher Education Statistics Agency and UK regulators including Ofsted (or equivalents of the foregoing in your jurisdiction)), and to the Universities and Colleges Admissions Service (UCAS) and higher education providers.</p>	<p>Performance of a contract with you</p> <p>Necessary for our legitimate interests in the administration of examinations and the relevant public bodies and regulators, and in supporting the operation of higher education clearing systems.</p> <p>Performance of a task carried out in the public interest</p> <p>Necessary for a legal obligation to which we are subject</p> <p><i>In the case of the recipient public bodies:</i> The public interest in those public bodies being able to perform their duties and exercise their powers in relation to examinations and qualifications.</p> <p><i>In the case of UCAS and higher education providers:</i> Their legitimate interests, and the public interest, in the operation of higher education clearing systems.</p>
<p>(3) Disclosing the results of examination(s) and qualifications awarded by Pearson to journalistic media, for publication in the media.</p>	<p>Necessary for our legitimate interests and third parties who publish or receive the result(s) and qualifications awarded, in the result(s) of examinations and qualifications awarded.</p> <p>Necessary for a legal obligation to which we are subject</p> <p>Performance of a task carried out in the public interest</p>
<p>(4) Providing you with information that You request from us, including as part of dealing with Access Arrangements and/or special consideration.</p>	<p>Performance of a contract with you</p> <p>Necessary for our legitimate interest in responding to your requests and enquiries, e.g. by email, telephone, post or social media (or</p>

	<p>your preferred one, if you tell us your preferences).</p> <p>Necessary for a legal obligation to which we are subject</p> <p>Performance of a task carried out in the public interest.</p> <p><i>In the case of special category data used in relation to Access Arrangements: explicit consent obtained from you by the centre.</i></p>
<p>(5) Corresponding and dealing with the centre in relation to examinations, including receiving your personal data from the centre, including as part of dealing with Access Arrangements and/or special consideration.</p>	<p>Performance of a contract with you</p> <p>Necessary for our legitimate interests in the administration of examinations.</p> <p>Necessary for the Performance of a task carried out in the public interest, unless the candidate's right to object is exercised.</p> <p>Necessary for a legal obligation to which we are subject</p> <p><i>In the case of special category data used in relation to Access Arrangements: explicit consent obtained from You by the centre.</i></p>
<p>(6) Corresponding with you or the centre in relation to examinations, including as part of dealing with Access Arrangements and/or special consideration.</p>	<p>Performance of a contract with you</p> <p>Necessary for our legitimate interests in the administration of examinations.</p> <p>Necessary for the Performance of a task carried out in the public interest, unless the candidate's right to object is exercised.</p> <p>Necessary for a legal obligation to which we are subject</p> <p><i>In the case of special category data used in relation to Access Arrangements: explicit consent obtained from You by the centre.</i></p>
<p>(7) To enable Pearson to detect and take action against cheating, fraud and other irregularities in relation to examinations.</p>	<p>Necessary for our legitimate interests in seeking to prevent and address cheating, fraud and other irregularities in relation to examinations.</p> <p>Performance of a task carried out in the public interest</p> <p>Necessary for a legal obligation to which we are subject</p> <p><i>In the case of special category data used in relation to taking action against cheating, fraud or other irregularities: For reasons of substantial public interest on the basis of UK law on preventing or detecting unlawful acts,</i></p>

	protecting the public against dishonesty and similar, and preventing fraud.
(8) For Pearson to take legal or administrative action, resolve disputes involving you, and to deal with regulators.	<p>Necessary for our legitimate interests in enforcing the standards and policies maintained by the JCQ Awarding Bodies in relation to examinations; and in resolving any disputes involving You and in dealing with their regulators.</p> <p>Necessary for a legal obligation to which we are subject</p> <p><i>In the case of special category data: as necessary for the JCQ Awarding Bodies to establish, exercise or defend legal claims in relation to examinations.</i></p>

6.2 Pearson may share your personal data with any of the other JCQ Awarding Bodies for any of the above purposes.

6.3 Pearson may also disclose your personal data to other third parties if it has lawful grounds to do so, or are under a legal obligation to disclose or share it with them, or in order to establish, exercise or defend their legal rights, or for the purposes of preventing or defending crime (or apprehending or facilitating the prosecution of criminal offences). This includes exchanging information within the community of JCQ Awarding Bodies, and with other organisations, in relation to cheating, fraud or other irregularities in relation to examinations.

## **7 Other disclosures of your personal data**

7.1 Pearson has appointed UCAS to process your personal data on our behalf. UCAS will be provided with a copy of your candidate record for the relevant year, irrespective of whether you have made any applications to higher education institutions. (This is so that there is no delay in processing your application, should you make a late application through the clearing system.) UCAS holds this information under instruction from Pearson and is strictly prohibited from using the information (even consulting it) except as instructed. UCAS is instructed to search the records to find candidates who have applied to UCAS, and to access the records of applicants. UCAS can use that information to process your application (please see the privacy notice that UCAS provides to you for more details about the information, how UCAS uses it, and how long it keeps it). If you do not apply to UCAS, however, it is instructed not to access your information.

7.2 Pearson may appoint third parties to process your personal data on our behalf. The third parties may include, Examiners, Printers and suppliers involved in the delivery of examinations and the production of certificates, IT service providers, Professional service providers and any third party corporate organisation in the event that the centre or Pearson go through a business transition, such as a merger, being acquired by another person or corporate entity, or selling a portion of their assets.

7.3 The UK Skills Funding Agency may share a candidate's ULN and Personal Learning Record with other education-related organisations, such as a careers service, a Candidate's school or college, Government departments and public bodies responsible for education. Further details of how information is processed and shared can be found at: <http://www.learningrecordservice.org.uk/>.

## **8 How long your personal data will be retained**

- 8.1 Pearson will hold the following personal data about you indefinitely, and for a minimum of forty (40) years. In addition, some personal data (such as the following) may be held by the Pearson as a contemporaneous record of examinations taken by you and, by virtue of exemption under Data Protection Legislation, does not have to be changed if (for example) you subsequently change your name or gender:
- 8.1.1 the Candidate's name, gender and address submitted to Pearson when the candidate was enrolled for the Examination(s);
  - 8.1.2 the results of the examination(s); and
  - 8.1.3 the qualification(s) awarded to the candidate by Pearson and any grade information.
- 8.2 Pearson has instructed UCAS to permanently delete all of the records provided once clearing is finished. UCAS can only retain information it extracted from those records if you applied to UCAS. UCAS will tell Pearson whether or not it accessed your records. Pearson will tell you the legal basis that we rely on in relation to UCAS (please see section 6.1 (2)).

## **9 How you may be contacted**

Pearson may contact you directly by postal correspondence or email in relation to examinations. We will not issue any direct marketing to you.

## **10 Our transfer of your personal data abroad**

- 10.1 Pearson operates a global network of centres, and your centre may not be in the UK. **The laws in the jurisdiction where the centre and/or you are may not provide adequate safeguards.**
- 10.2 As of 01 January 2021, Pearson can still transfer personal data freely to countries deemed adequate to provide high standards of protection for personal data by a UK Secretary of State, such as the EU/EEA, Gibraltar and other countries as published by the UK Government here. We'll always do so securely in line with the UK GDPR principles.
- 10.3 On 28 June 2021, the European Commission acknowledged the UK's 'adequacy' in relation to EU GDPR standards, confirming that data can be transferred freely from the European Economic Area (EEA) to the UK.
- 10.4 When Pearson transfers your personal data to a non-adequate country, we will ensure we implement appropriate safeguards for international transfers of personal data to other countries in a way that ensures that the level of protection of your personal data guaranteed by the UK GDPR is not undermined.

## **11 Your Rights**

- 11.1 In some regions, such as the UK and the European Economic Area, you may have certain rights in relation to your personal data, including the right to ask us:
- (a) to update and correct your personal data;
  - (b) to request access to and obtain a copy of your personal data;

(c) erasure of your personal data if its retention is no longer necessary for the purposes for which it was originally collected;

(d) to restrict or object to the continued processing of personal data in some circumstances; and

(e) data portability (if appropriate).

11.2 If you would like to exercise any of the above rights, including to withdraw your consent (where our processing of your personal information relies on your consent), please contact us using the contact details stated above in this Privacy Notice.

11.3 We'll need to confirm your identity before we process your rights request.

## **12 Changes to Privacy Notice**

We reserve the right to make changes to this Privacy Notice from time to time. If you have any questions or queries about the changes that we make from time to time, please tell us via the contact details provided above in this Privacy Notice. This Privacy Notice was last updated August 2023.

## **13 How to Complain**

If you have any concerns about our use of your personal information, you can make a complaint to us at the contact details stated above in this Privacy Notice.

You can also complain to the ICO if you are unhappy with how we have used your data.

The ICO's address:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Helpline number: 0303 123 1113

ICO website: <https://www.ico.org.uk>

