

Examination Scripts and the Data Protection Act 2018 Guidance Document for staff and students

Allowances under the Act

Under relevant data protection legislation a student has the right to a copy of the personal information held on them by the University. However, there is an exemption in Schedule 2, part 4(25) of the Data Protection Act 2018, which means that although examination scripts are considered personal data, they are exempt from disclosure as part of a subject access request. Therefore the University is not obligated to provide copies of examinations scripts to students, even though this is their personal data.

However this exemption does not apply to the comments an examiner (either internal or external) has made in relation to the script. Upon receiving a request from the author of the script the University is legally required to provide a copy of these comments in a meaningful and intelligible (i.e. word processed if the original handwritten version is unreadable) format. These comments must be provided to the student within 40 calendar days of the release of the examination results or 5 months after the request was received, whichever is sooner. This allows requests to be made prior to the release of results but prevents students gaining unfair access to information on their scripts and marks before the rest of their cohort.

It should be noted that there is no requirement under the Act that the identity of the examiner making the comment be revealed to the requester.

The Approach taken by the University

The above sets out what a student is and is not entitled to under the Act. However in the interests of being open and accountable the University does allow students to view their actual examination scripts. If you wish to be shown your script you should contact your College directly, in writing, and they will be happy to make the arrangements for you to view it in the College Office. However you will not be allowed to make a photocopy or any other type of copy of the script or remove the script from the Office.

If you would like to have a copy of the examiner's comments in addition to or instead of viewing the examination script then you should make a written request to your College.

Please note that the above procedure only applies to current students. If you are a graduate of the University and would like to receive a copy of an examiner's comments, we would ask you to submit a Subject Access Request (the link for which may be found below) for this information. If the comments are still held by the University, you may expect to receive the requested information within one month of submitting your request.

You cannot use the fact of having seen your script to challenge the academic judgement employed in marking it. However if you believe that there has been an error made in marking your work, such as the incorrect adding up of marks, then the University will examine your claim and make any necessary corrections.

Sources of Further Advice and Guidance

University Staff

Current students should contact their College directly for access to examination script data.

Information Compliance Officer, email: compliance@lincoln.ac.uk

Subject Access Requests

Details of how to submit a Subject Access Request along with an optional form may be found at <http://secretariat.blogs.lincoln.ac.uk/information-compliance/data-protection>

External Links

Information Commissioner's Office (ICO)

The ICO provides extensive guidance on all aspects of data protection compliance on its website, at <http://www.ico.org.uk>.

Schedule 2 of the Data Protection Act 2018

<http://www.legislation.gov.uk/ukpga/2018/12/schedule/2/enacted>

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Data Protection Act 1998

1998 c. 29 ► **SCHEDULE 7**

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 Original (As enacted)

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Changes to legislation: Data Protection Act 1998, SCHEDULE 7 is up to date with all changes known to be in force on or before 08 August 2018. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. [View outstanding changes](#)

F1SCHEDULE 7 Section 37.
MISCELLANEOUS EXEMPTIONS

Annotations:
Amendments (Textual)
F1 Act repealed (except s. 62, Sch. 15 paras. 13, 15, 16, 18, 19) (25.5.2018) by [Data Protection Act 2018 \(c. 12\), s. 212\(1\), Sch. 19 para. 44](#) (with ss. 117, 209, 210, Sch. 20 paras. 2-9, 17-25, 27-46, 53, 54, 58); S.I. 2018/625, reg. 2(1)(g)

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