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*Status: Point in time view as at 01/03/2000.*

*Changes to legislation: Data Protection Act 1998, Cross Heading: Examination marks is up to date with all changes known to be in force on or before 18 May 2024. 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. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 7

#### MISCELLANEOUS EXEMPTIONS

##### *Examination marks*

- 8 (1) Section 7 shall have effect subject to the provisions of sub-paragraphs (2) to (4) in the case of personal data consisting of marks or other information processed by a data controller—
- (a) for the purpose of determining the results of an academic, professional or other examination or of enabling the results of any such examination to be determined, or
  - (b) in consequence of the determination of any such results.
- (2) Where the relevant day falls before the day on which the results of the examination are announced, the period mentioned in section 7(8) shall be extended until—
- (a) the end of five months beginning with the relevant day, or
  - (b) the end of forty days beginning with the date of the announcement,
- whichever is the earlier.
- (3) Where by virtue of sub-paragraph (2) a period longer than the prescribed period elapses after the relevant day before the request is complied with, the information to be supplied pursuant to the request shall be supplied both by reference to the data in question at the time when the request is received and (if different) by reference to the data as from time to time held in the period beginning when the request is received and ending when it is complied with.
- (4) For the purposes of this paragraph the results of an examination shall be treated as announced when they are first published or (if not published) when they are first made available or communicated to the candidate in question.
- (5) In this paragraph— “examination” includes any process for determining the knowledge, intelligence, skill or ability of a candidate by reference to his performance in any test, work or other activity; “the prescribed period” means forty days or such other period as is for the time being prescribed under section 7 in relation to the personal data in question; “relevant day” has the same meaning as in section 7.

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