



# Data Protection Act 1984

## 1984 CHAPTER 35

### PART IV

#### EXEMPTIONS

#### **35 Examination marks**

- (1) Section 21 above shall have effect subject to the provisions of this section in the case of personal data consisting of marks or other information held by a data user—
  - (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 period mentioned in subsection (6) of section 21 begins before the results of the examination are announced that period shall be extended until—
  - (a) the end of five months from the beginning of that period; or
  - (b) the end of forty days after the date of the announcement,whichever is the earlier.
- (3) Where by virtue of subsection (2) above a request is complied with more than forty days after the beginning of the period mentioned in subsection (6) of section 21, 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 section 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 section " 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.