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**Changes to legislation:** Data Protection Act 2018, Cross Heading: Exam scripts and exam marks is up to date with all changes known to be in force on or before 15 April 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) View outstanding changes

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## SCHEDULES

### SCHEDULE 2

#### EXEMPTIONS ETC FROM THE [F1UK GDPR]

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##### Textual Amendments

- F1** Words in Sch. 2 heading substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 2 para. 92(2)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)

### PART 4

#### RESTRICTIONS [F1AS DESCRIBED IN] ARTICLE 23(1): RESTRICTIONS OF RULES IN ARTICLES 13 TO 15

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##### Textual Amendments

- F1** Words in Sch. 2 Pt. 4 heading substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 2 para. 92(15)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)

#### *Exam scripts and exam marks*

- 25 (1) The listed GDPR provisions do not apply to personal data consisting of information recorded by candidates during an exam.
- (2) Where personal data consists of marks or other information processed by a controller—
- (a) for the purposes of determining the results of an exam, or
  - (b) in consequence of the determination of the results of an exam,
- the duty in Article 12(3) or (4) of the [F1UK GDPR] for the controller to provide information requested by the data subject within a certain time period, as it applies to Article 15 of the [F1UK GDPR] (confirmation of processing, access to data and safeguards for third country transfers), is modified as set out in sub-paragraph (3).
- (3) Where a question arises as to whether the controller is obliged by Article 15 of the [F2UK GDPR] to disclose personal data, and the question arises before the day on which the exam results are announced, the controller must provide the information mentioned in Article 12(3) or (4)—
- (a) before the end of the period of 5 months beginning when the question arises,
- or

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- (b) if earlier, before the end of the period of 40 days beginning with the announcement of the results.
- (4) In this paragraph, “exam” means an academic, professional or other examination used for determining the knowledge, intelligence, skill or ability of a candidate and may include an exam consisting of an assessment of the candidate’s performance while undertaking work or any other activity.
- (5) For the purposes of this paragraph, the results of an exam are treated as announced when they are first published or, if not published, first communicated to the candidate.

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#### **Textual Amendments**

- F1** Words in Sch. 2 para. 25(2) substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 2 para. 92(19)(a)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in Sch. 2 para. 25(3) substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 2 para. 92(19)(b)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- [Sch. 3 para. 8\(1\)\(y\) added by 2022 c. 18 \(N.I.\) Sch. 3 para. 78\(3\)](#)