



NCER^{CIC}

National Consortium for Examination Results
Community Interest Company

NCER GDPR Fact Sheet – updated 29th August 2018

Key facts that LAs in England need to know about NCER systems Nexus, Keypas and Nova in relation to GDPR

Introduction – Statement from NCER about GDPR

The EU General Data Protection Regulation (**GDPR**) is a regulation in EU law on data protection and privacy for all individuals within the European Union and will become law on the 25th May 2018. The GDPR will bring considerable changes to data protection law in the UK.

NCER and its partner Angel Solutions Ltd provide services to local authority (LA) member authorities that involve the use of personal data. NCER recognise that the correct and lawful treatment of Personal Data ensures compliance with GDPR, maintain confidence in NCER and will provide for successful operations for ourselves, your local authority and the data subjects concerned.

Protecting the confidentiality and integrity of personal data remains a critical responsibility that NCER and Angel Solutions Ltd take seriously at all times.

As of, 25th May 2018 the GDPR will come into law and this will be the standard included within the NCER Privacy Notice. In particular, it is noted that NCER and Angel Solutions Ltd will continue to adhere to the principles relating to processing of personal data set out in the GDPR which require personal data to be:-

1. processed lawfully, fairly and in a transparent manner;
2. collected only for specified, explicit and legitimate purposes;
3. adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed;
4. accurate and where necessary kept up to date;
5. not kept in a form which permits identification of individuals for longer than is necessary for the purposes for which the data is processed;
6. processed in a manner that ensures its security using appropriate technical and organisational measures to protect against unauthorised or unlawful processing and against accidental loss, destruction or damage;
7. not transferred to another country without appropriate safeguards being in place; and
8. made available to individuals and individuals allowed to exercise certain rights in relation to their personal data.

NCER System Definition

The content of this **fact sheet**, the suggested **NCER Data Processing Agreement** and **NCER Policies referring to GDPR** refer to **Nexus** functionality, including **Keypas** and **Nova**.

Nexus, including Keypas and Nova, are NCER products and have been designed and specified with Angel Solutions Ltd to be GDPR compliant.

Perspective Lite is an Angel Solutions Ltd product supplied through NCER membership. Angel Solutions Ltd have confirmed that Perspective Lite is GDPR compliant.

Perspective, Perspective Observatory, Broadcast, Pendulum and **Balance** are products developed and sold directly to local authorities and schools by Angel Solutions Ltd. Angel Solutions Ltd are responsible for ensuring GDPR compliance for these products.

NCER and GDPR

NCER (as Data Processor), Angel Solutions Ltd (as NCER's Sub Data Processor), Rack Space (As NCER's Sub Sub Data Processor) and member authorities (as Data Controller) are responsible for and must be able to demonstrate compliance with the eight data protection principles listed above going forward to comply with GDPR.

NCER has been working to ensure GDPR compliance since early 2017, and we have both taken specialist legal advice and consulted with local authorities through the NCER Steering Group. GDPR policies and procedures have been adopted by NCER and are also included into Angel Solutions Ltd annual ISO audited policies and procedures. **For a list of NCER policies relating to the GDPR please see Appendix 1.**

In addition, Angel Solutions Ltd employed external consultants to provide an independent view on the GDPR requirements including ISO27001 and ITHC and how they apply to Angel Solutions Ltd and their additional products.

Whilst GDPR is a substantial piece of work for many organisations, NCER and Angel Solutions Ltd historical approach to security and privacy has meant that only low level IT system changes have been needed. There are however important documentary and certification requirements for NCER and its 152 member local authorities.

Suggested Data Processing Agreement between LAs and NCER

As a member of NCER your local authority may decide that you require a signed Data Processing Agreement with NCER to enable the processing of personal information held within NexusWe have provided a suggested Data Processing Agreement which your local authority may choose to sign or to use as a guide for your Data Processing Agreement with NCER.

The Data Processing Agreement is between

(1) A local authority in membership of NCER CIC – the “the Data Controller”;

and

(2) NCER CIC - Registered Number 07960839 whose registered office is situated at 3 Blakeley Court, Raby Mere. Wirral. CH63 0ND - “the Data Processor”

This document contains information regarding data processing undertaken by NCER and Angel Solutions. Should you require additional information which requires information specific to your authority please contact the NCER Managing Director – Peter Richmond at - peter.richmond@halton.gov.uk

DfE Guidance on GDPR – NCER’s response

The DfE has issued guidance to schools on GDPR (see link below) which recommends that schools ask their system suppliers six key questions about their systems. NCER have adapted these six questions for LAs and the responses below cover Nexus (including Keypas and Nova).

DfE GDPR Guidance for Schools – <https://www.youtube.com/watch?v=y09IHxv6u6M>

1. Scope - Which personal and special category data are contained within that system?

Nexus holds the following Personal and Special /Category data.

Pupil Data

This data is loaded into Nexus from schools via the LA or provided by the DfE.

- Current and prior attainment data for each key stage
- Contextual information from School Census

Personal / Special Category Pupil Data

This data is loaded into Nexus from schools via the LA or provided by the DfE.

- Ethnicity & Language
- SEND information
- Disadvantaged information

Nexus User Account Details

personal data / Contact details are added on set up of Nexus Accounts.

Nexus Account privileges and details of system usage are recorded for audit purposes

2. Sharing – Does any personal data flow from that system onto anywhere else?

Nexus has a number of features for the import and export of data.

Personal / Special Category Pupil Data

The data in Nexus is shared with Schools, Local Authorities and the DfE as specified by the Data Controllers - the LA

Nexus User Account Details

Nexus personal data User name and contact information may be shared with NCER Directors. This is outlined in the NCER Privacy Notice available in the Management and Governance area of our website www.ncer.org.

This contact information may also be shared with providers who are providing services to Angel Solutions Ltd in the delivery of Nexus. These include email/mail services to enable NCER to communicate with users and schools.

NCER are developing clear opt in / opt out checkboxes in Nexus for NCER and Nexus communications preferences. More information will be sent to all Nexus Users when these developments go live. LA officers can still continue to unsubscribe to NCER communications using the link at the bottom of every NCER Bulletin.

3. Data Retention

The NCER Retention of Records Policy 2018 states the individual pupil data held in NEXUS, Keypas and Nova will be retained until 31st August in the school year that the pupil attains the age of 25. The retention also applies to Census, Pupil Premium and bespoke UDF fields uploaded by an individual LA. This will allow for historical trend analysis to be maintained. Relevant data will be permanently removed from Nexus in the calendar month following 31st August each year.

4. Access – How would you get the information for a subject access request out of the system?

The information required to respond to a Subject Access Request for pupil level information is available through pupil level reports in Nexus which can be exported in a number of electronic formats.

NCER can provide details on request for any subject access request.

5. Security – How does the system ensure the security of the personal data held? What recognised standards are in place?

Angel Solutions Ltd on behalf of NCER have designed Nexus to be highly secure. Security tests are carried out by Angel Solutions with additional checks being carried out by an external Approved Security Tester.

All data used by Nexus are stored in Angel Solutions' secure environment at Rackspace www.rackspace.com. Rackspace are fully accredited under ISO 27001.

As a requirement of the DfE, Nexus undergoes an annual IT Health Check (ITHC) by a CREST Approved Security Tester. This includes a secure code review. Angel Solutions have fully satisfied the DfE's security requirements in this area.

Angel Solutions are fully accredited under Cyber Essentials Plus (CE+).

Angel Solutions are fully accredited under ISO27001.

All Angel Solutions staff are DBS or BPSS checked.

Please see below link to current Angel Solutions Ltd security statement

<http://www.angelsolutions.co.uk/terms-and-conditions/security-statement/>

6. Own Readiness – Is this system supplier confident that they will be GDPR compliant by May 2018? How will they demonstrate that to you?

NCER is confident that it, and its systems Nexus, Keypas and Nova are GDPR compliant. NCER will continue to work to ensure it maintains GDPR compliance.

Angel Solutions Ltd have confirmed that Perspective Lite is GDPR compliant.

If any changes are required to align this agreement with GDPR we will notify LAs of these as soon as possible.

Appendix

Appendix 1 –NCER Policies relating to GDPR

2018 NCER GDPR Policy – on www.ncer.org – go to “Who We Are” > scroll down to “Governance Documents”

2018 NCER Privacy Notice – on www.ncer.org – go to “Who We Are” > scroll down to “Governance Documents”

2018 NCER Retention of Records Policy– on www.ncer.org – go to “Who We Are” > scroll down to “Governance Documents”

NCER CIC Articles of Association – on www.ncer.org – go to “Who We Are” > scroll down to “Governance Documents”

Nexus Terms and Conditions – on www.ncer.org – go to bottom of webpage and select “Terms and Conditions”

Appendix 2 –NCER Registration details with the Information Commissioner’s Office

Organisation name: **NATIONAL CONSORTIUM FOR EXAMINATION RESULTS CIC**

Registration reference: **Z3082206**