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From the Academic Registrar

16 September 1985

Dear Registrar/Chairman

DATA PROTECTION ACT 1984: IMPLICATIONS FOR THE UNIVERSITY'S POLICY ON THE RELEASE OF EXAMINATION MARKS

I am writing following the meeting of the Academic Council on 24 June 1985 to request the assistance of your School/Board in the Council's consideration of the implications of the Data Protection Act 1984 for the University's policy on the non disclosure of examination marks. This letter gives a brief summary of the Act and its implications for the University policy on release of examination marks and concludes with a request for comments from Schools and Boards of study. The Council has also consulted Chairmen of Boards and Committees of Examiners for first degrees and diplomas and Master's degrees.

The Data Protection Act: Background

As you are no doubt aware, the purpose of the Act is to limit the possibility of individuals being harmed by the misuse of personal data held on computers and comparable equipment and to enable the UK to comply with the Council of Europe Convention. The Act is not intended to prevent the holding or use of personal data, but requires users to register formally with the Data Protection Registrar the purposes for which they hold such data, its sources and disclosure to third parties, and to give individuals right of access to the data held about them. Registration must be completed by May 1986, and the right of subjects to have access to their personal data will become effective eighteen months later in November 1987. In this regard, the Act will require data users to respond to written requests for access and to disclose, within a period of 40 days from the request, the data held on the individual concerned. The Act mentions examination results specifically and gives examining bodies the option of responding to requests for access either within 40 days of the announcement of the results or within five months of the request being received, whichever period is the shorter. If this option is taken, however, the data user must provide a full history of the changes to the data from the time when the request was received to the time when the response is given.

Examination Marks: Current University Policy and Practice

The University's present policy on the disclosure of examination marks is embodied in the General Instructions on Conduct of Examinations for First Degrees and Diplomas and the equivalent Instructions for Master's degrees. In summary the current policy of the University is that examination marks are strictly confidential and may not in any circumstances be released to students.

The Academic Council is aware that extensive use of computers is made throughout the University in the administration of examinations. The amount of detail recorded appears to vary, but preliminary enquiries indicate that the recording of examination marks is a widespread and increasing practice, and that in a significant number of cases the level of detail recorded may extend to marks for each examination question and in the case of course-unit degrees for each separate element of a course-unit examination eg. practical, course work etc. The requirement for such detail appears to exist more at the level of Schools' academic departments and individual teachers and examiners rather than at the registry level, where it is more common for marks to be recorded for each discrete examination; say, an examination for a course-unit course or each paper in a Part examination (eg LLB Part I).

Examination Marks: Proposed University policy and practice

There have already been discussions both within School committees and between School Registrars about the administrative implications of retaining present policy on confidentiality of examination marks when the Act becomes fully operative, and representations have been received arguing for a change in this policy. Particular concern has been expressed about the ability of some Schools to cope, and about the additional staffing and financial resources which others would require if it became necessary for manual procedures to be reintroduced.

While the Data Protection Act is only concerned with information held on computer files, the Council recognises that there is growing pressure and support nationally for more open access to information generally.

Against this background the Council has come to the view that examination marks and other examination data should continue to be held on computer files, and has recognised that since the access provisions of the Data Protection Act clearly embraced such data, a change in University policy on the disclosure of examination marks would be required. The view was expressed that such a change would be proper and desirable whether or not required as a result of the Act.

With regard to the practices to be adopted for the release of marks, the Council considers that it would be both administratively more straightforward and equitable to the student community as a whole if marks were issued to all candidates at examinations as a matter of course after each set of examinations, irrespective of whether the marks were held on a computer. The level of detail of the marks released in this way would clearly need to be defined in relation to individual degrees and degree structures, but the Council considers that marks routinely released should probably be no more detailed than, for example, the examination for a course-unit course or a paper or equivalent at BA examinations. At the same time the Council would not wish to preclude the release of more detailed marks by Schools, either routinely or on request, provided that they are able to establish the necessary procedures.

The Council recognises that as students become generally aware of their marks comparisons will be made with the marks of colleagues and different patterns in degree assessment will be discerned. Such apparent inconsistencies would of course be accounted for by the element

of discretion which examiners exercise in degree assessment, and while this discretion invariably acts to the advantage of the student concerned, the University could find considerable difficulty in defending appeals for reassessment from other students who considered themselves unfairly treated in comparison. This problem might be approached either by requiring examiners to adjust the marks of individual components of an examination to take account of the discretionary element in degree assessment or by introducing a "general factor" which would be an additional component in the degree assessment process and treated as an examination mark. In practice, the former alternative could be extremely difficult to achieve and might call for the retrospective revision of a mark gained in an earlier year which had already been revealed to a student. If the "general factor" were adopted, explanatory notes would be required for issue with examination marks to assist students in interpreting their marks and in understanding the assessment process. The Council considers, however, that it would be impracticable to attempt to produce a standard scheme applicable across all faculties and subjects.

Request for Information

Against this background the Council has asked that the views of Schools and Boards of Studies be sought on the proposed change in policy and the means by which this will be implemented. I should be most grateful to receive any comments by 2 December 1985

In conclusion I should perhaps make clear that until any change is formally made and announced University policy on release of Examination marks remains as set out in the Instructions to Examiners and marks should not in any circumstances be revealed to students.

Yours sincerely



G F Roberts (Mrs)

Registrars of Schools and Senate Institutes
Chairmen and Secretaries of Boards of Studies
Special Advisory Committees and the Academic
Advisory Boards in Science, Medicine and Engineering