

Policy Identifier: Guidelines for External Examiners on European General
Data Protection Regulation, 2018

Policy Title:	Guidelines for External Examiners on European General Data Protection Regulation (GDPR)
Description:	To alert External Examiners that the regulation confers the status of 'personal data processor' on External Examiners who assess students' work (exam scripts, coursework, dissertations).
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Guidelines for External Examiners on European General Data Protection Regulation, 2018

1. Context

Marino Institute of Education (MIE) thanks you for your service to the Institute in your role as an External Examiner¹.

Following the introduction of the European Union (EU) – General Data Protection Regulation (GDPR) ([Data Protection Legislation, 2018](#) and [Data Protection Directive 95/46/EC](#)) on the 25th May 2018, the Institute wants to alert you that the regulation confers the status of ‘personal data processor’ on External Examiners who assess students’ work (exam scripts, coursework, dissertations).

External Examiners act as ‘data processors’ on behalf of the Institute and all External Examiners whether they be domiciled in the EU or outside the EU are asked to take the steps outlined in this advisory to protect hard copy or electronic copies of students’ assessed work (e.g. exam scripts, coursework, dissertations) provided to you by MIE to facilitate the performance of your external examining duties. External Examiners will be asked to sign a Data Processing Agreement (see [Data Processing Agreement section](#) below for further details).

2. Request

2.1. If you receive hard copy documents by registered mail or by courier we request that you:

- i. Receive the documents in person;
- ii. Store the documents securely where they cannot be accessed by unauthorised persons;
- iii. Hold onto the documents only for the duration of your examining duties, unless in the case of a dissertation, the student has consented to the examiner retaining a copy of the dissertation beyond the examining period, should they so wish;

¹ See [MIE Role of External Examiners](#)

- iv. Dispose of/destroy the documents through a secure method²; or return the documents to the Institute at/upon completion³ of your examining duties, to facilitate their secure disposal by the Institute.
- 2.2. If you receive electronic copies through one of the Institute's approved platforms (i.e. [MAESTRO](#), encrypted e-mail attachments or WeTransfer) that you:
 - i. Ensure any passwords received to access, e.g. encrypted files, is stored separately from the documents received, and destroyed once the documents have been accessed successfully or upon completion of your examining duties;
 - ii. Encrypt the files or disc if the documentation is stored on a networked computer to prevent access by unauthorised persons;
 - iii. Not download the documentation to Dropbox or Google Docs or any other internet service that can potentially be accessed by unauthorised persons;
 - iv. Ensure that the hard drive is backed up on a regular basis if the files are stored on a local computer as locally stored data may be irretrievable in the event of a technical issue or the loss or theft of a device if the files/disc are not encrypted.

3. Mitigating Risk of Unauthorised Access to Files on Computer

- 3.1. Use the most up-to-date and secure versions of software;
- 3.2. Use updated virus-protection software;
- 3.3. Use a strong password;
- 3.4. Share your password with no-one;
- 3.5. Delete files upon completion of your examining duties (see [Section 6: Retention of Exam Scripts](#) below for more details);
- 3.6. Empty your deleted files so that documents are permanently deleted.

² Costs of shredding and secure disposal may be reimbursed through expenses claim on presentation of receipts.

³ Costs of postage for return of documents can be reimbursed through expenses claim on presentation of receipts.

4. Suspected Breach

If you suspect your computer or the files have been accessed by an unauthorised person, you are asked to contact the Institute at your earliest convenience and within 72 hours of any potential breach having occurred.

5. Data Processing Agreement

External Examiners are processing student personal data on the part of the Institute Staff. The Institute provides all External Examiners with a Data Processing Agreement that they must sign and return before commencing their work as an External Examiner. The requirements for such an agreement are set out in [Article 28](#) of the GDPR and are very prescriptive.

6. Retention of Exam Scripts

The Institute only retains – in line with the Institute’s retention policy⁴ generally – exam scripts for as long as is necessary. Exam scripts are likely to constitute personal data and therefore, in line with the instructions in [Section 3](#) above, copies held by an External Examiner should be (i) returned to the Institute at the time of the Court of Examiners⁵ and/or (ii) deleted once examining duties are completed. The institute holds the original copy of students’ exam script for a period of thirteen months in case of an appeal⁶.

7. Examiner Comments on Exam Scripts

External Examiners should be conscious that any comments they make on exam scripts may be disclosed to the candidate. External Examiners should be aware that they have no expectation of confidentiality when making those comments and that these comments may be shared with candidates on foot of an access request, or otherwise.

⁴ See [MIE Records Retention Schedule](#)

⁵ See [Academic Assessment and Progression](#) for more information on the Court of Examiners

⁶ [Postgraduate Appeals Process](#), [Court of First Appeal Process](#), [Court of Second Appeal Process](#), [Appeals Policy \(Academic Progression\)](#)

8. Related Documents

- 8.1. [Academic Assessment and Progression Policy](#)
- 8.2. [MIE Role of External Examiners](#)
- 8.3. MIE GDPR Data Processing Agreement with External Examiners (available on request)
- 8.4. [MIE Records Retention Schedule](#)
- 8.5. [Postgraduate Appeals Process](#)
- 8.6. [Court of First Appeal Process](#)
- 8.7. [Court of Second Appeal Process](#)
- 8.8. [Appeals Policy \(Academic Progression\)](#)