

Guidelines for Internal and External Examiners

Freedom of Information Act 2014 - Examination Issues

Background

Under the Freedom of Information Act 2014¹, a student has a right to request access to his or her own records (sections 11). Such records would include the examination scripts and assessments which have been marked (and annotated) by the internal and external examiners. College must give a copy of such scripts and assessments, if a student makes a request for them under the Freedom of Information Act (FoI).

Additionally, students have the right (Section 10) to a written statement of the reasons for a decision of the College that affected them as individuals. Such decisions would include examination/assessment marks.

Annotation of Scripts

In this context, any comments, markings or other annotations written on an examination script and any notes made in relation to the examination/assessment other than on the script, may be subject to a request under the Freedom of Information Act. Even if no notes or annotations have been made on the script or anywhere other than on the script, an examiner must still be able to give satisfactory reasons for marks awarded if requested to do so.

The Senior Lecturer is aware that practices differ between departments regarding the annotation of scripts and assessments and the use of double and second marking. However in order to ensure that the practices followed by examiners are of assistance in complying with the Act, the following general guidelines are suggested:

- Any comments, markings or other annotations written on an examination script and any notes made in relation to the examination/assessment other than on the script should be clear and concise as they may be subject to a request under FoI.
- It may be indicated, in some appropriate way, that the examiner has read all of the script/assessment (e.g. tick end of each page).
- The mark awarded for each separate examination question should be clearly noted. If appropriate, depending on how the marking scheme is structured, the mark awarded for each section of each question should be shown.
- For most examiners, the implications of the Freedom of Information Act will lead to very little change in the practice they have adopted for many years, but it may be useful to record or highlight significant lacunae, errors, good points and unclear areas on the script as reference points in case there is a S. 12 request.
- If requested, under S.10, to give the reasons for a mark/decision, an examiner must be able to give satisfactory reasons – even if no annotations have been made on the script. The Information Commissioner would never dispute the substance of an examiner's reasons, but may, on appeal, require that fuller reasons are given.
- Group requests on examination/assessments cannot be accommodated under S.10 of FoI. Students can ask only about their own marks. So, for example, an examiner would not have to justify how a student got less than another member of the class, only why he or she got the mark awarded.
- If an examiner is going to be uncontactable after the publication of the examination results, it would be important for colleagues who will have to deal with any Freedom of Information request, to have access to a well-annotated script or other notes.

Retention of Scripts

The agreed policy for the retention of scripts is that all examination materials relevant to the performance of any candidate must be retained by departments for thirteen months from the date of the meeting of the Court of Examiners which moderates the marks in question. Such materials will include, not only

¹ The text of the Freedom of Information Act, 2014 is available on the Irish Statute Book website at <http://www.irishstatutebook.ie/2014/en/act/pub/0030/sec0011.html>

examination scripts, essays, dissertations, etc., but also any written information directly related to the completion and marking of any assessment exercise, written or otherwise performed.

Examination scripts and other completed written assessment materials relating to work done in an earlier year that has not been finally marked and/or moderated should be retained until the work of the final Court of Examiners has been completed.

If you get a Freedom of Information request, please pass it immediately to the Information Compliance Officer, whose contact details are as follows:

Email: information.compliance@tcd.ie

Tel: ext. 2154

Address: Information Compliance Office,
The Secretary's Office
West Theatre,
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