



F15-05-MS

Student requests questions and answers from failed exam

A student who failed an exam at a business school operated by a university later asked for a copy of the exam questions as well as the multiple-choice answers he had been given. The university denied his request under s. 3(1)(d) of the *Freedom of Information and Protection of Privacy Act* (“FIPPA”). He asked us to review that decision.

Section 3(1) lists several types of records to which the right of access under FIPPA does not apply, including “(d) a record of a question that is to be used on an examination or test.” To establish whether this exception applied to the circumstances at hand, we first needed to determine whether the questions were likely to be used again. The student maintained that the questions had been drawn from a very large pool and were unlikely to be re-used again in the foreseeable future.

The university explained to us that individual questions in its secure bank are frequently re-used and underscored its concern about the risk to that security posed by the activities of large-scale “exam harvesters.” These individuals, they said, are in the business of acquiring and analysing data in a concerted and potentially highly profitable effort to reproduce questions likely to be used on future exams. The university also noted that exam harvesters find answers that have been given on previous exams, whether correct or incorrect, a rich mine for analysis in the quest to reproduce related questions. We were satisfied by the university’s explanation that it had appropriately applied s. 3(1)(d) in responding to the student’s request.