

# DATA PROTECTION ACT

Schools, Local Authorities (LAs), the Department for Education and Skills (DfES), the government department which deals with education, the Qualifications & Curriculum Authority (QCA), Ofsted and the Learning and Skills Council (LSC) all process information on pupils in order to run the education system and Department of Health (DH) and Primary Care Trusts (PCTs) process information on pupils in order to tackle the year on year rise in obesity among children, and in doing so have to comply with the Data Protection Act 1998. This means, among other things, that the data held about pupils must only be used for specific purposes allowed by law. The following details the types of data held, why that data is held, and to whom it may be passed on.

The **school** holds information on pupils in order to support their teaching and learning, to monitor and report on their progress, to provide appropriate pastoral care, and to assess how well the school, as a whole, is doing. This information includes contact details, National Curriculum assessment results, attendance information, characteristics such as ethnic group, special educational needs and any relevant medical information. From time to time we are required to pass on some of this data to the LAs, the DfES, and to agencies, such as QCA, Ofsted, LSC, DH and PCTs.

The **Local Authority** uses information about children for whom it provides services to carry out specific functions for which it is responsible, such as the assessment of any special educational needs the child may have. It also uses the information to derive statistics to inform decisions on (for example) the funding of schools, and to assess the performance of schools and set targets for them. The statistics are used in such a way that individual children cannot be identified from them. LAs have a duty under the Children's Act 2004 to cooperate with their partners in health and youth justice to improve the well-being of children in their areas. As part of this duty they will be required to maintain the accuracy of the information held on the Information Sharing (IS) Index about children and young people in their area (see IS Index under Department of Education and Skills).

The **Qualifications and Curriculum Authority** uses information about pupils to administer the National Curriculum assessments for Key Stages 1 to 3. This includes both assessments required by statute and those that are optional. The results of these are passed on to the DfES to compile statistics on trends and patterns in levels of achievement. The QCA uses the information to evaluate the effectiveness of the National Curriculum and the associated assessment arrangements, and to ensure that these are continually improved.

**Ofsted** uses information about the progress and performance of pupils to help inspectors evaluate the work of schools, to assist schools in their self-evaluation, and as part of Ofsted's assessment of the effectiveness of education initiatives and policy. Inspection reports do not identify individual pupils.

The **Learning and Skills Council** uses information about pupils for statistical purposes, to evaluate and develop education policy and to monitor the performance of the education service as a whole. The statistics (including those based on information provided by the QCA) are used in such a way that individual pupils cannot be identified from them. On occasion information may be shared with other Government departments or agencies strictly for statistical or research purposes only. The LSC or its partners may wish to contact learners from time to time about courses, or learning opportunities relevant to them.

The **Department of Health** uses aggregate information (at school year group level) about pupils' height and weight for research and statistical purposes, to inform, influence and improve health policy and to monitor the performance of the health service as a whole. The DH will base performance management discussions with Strategic Health Authorities on aggregate information about pupils attending schools in the PCT areas to help focus local resources and deliver the Public Service Agreement target to halt the year on year rise in obesity among children under 11 by 2010, in the context of a broader strategy to tackle obesity in the population as a whole. The department of Health will also provide aggregate PCT level data to the Healthcare Commission for performance assessment of the health service.

**Primary Care Trusts** use information about pupils for research and statistical purposes, to monitor the performance of local health services and to evaluate and develop them. The statistics are used in such a way that individual pupils cannot be identified from them. Information on the height and weight of individual pupils may however be provided to the child and its parents and this will require the PCTs to maintain details of pupils' names for this purpose. PCTs may also provide individual schools with aggregate information on pupils' height and weight.

The **Department for Education and Skills** uses information about pupils for research and statistical purposes, to inform, influence and improve education policy and to monitor the performance of the education services as a whole. The DFeS will feed back to LAs and schools information about their pupils for a variety of purposes that include data checking exercises, use in self-evaluation analyses and where information is missing because it was not passed on by a former school.

Under the Children Act 2004 the Secretary of State may require information for inclusion on the Information Sharing (IS) Index. The purposes of the index are to:

- help practitioners working with children quickly identify a child with whom they have contact;
- determine whether that child is getting the universal services (education, primary health care) to which he or she is entitled; and
- enable earlier identification of needs and earlier, more effective action to address these needs by providing a tool to help practitioners identify which other practitioners are involved with a particular child; and
- encourage better communication and closer working between practitioners.

The index will hold for each child or young person in England:

- basic identifying information: name, address, gender, date of birth and a unique identifying number based on the existing Unique Identifying Number/National Insurance Number;
- basic identifying information about the child's parent or carer;
- contact details for services involved with the child; as a minimum school and GP Practice but also other services where appropriate; and
- the facility for practitioners to indicate to others that they have information to share, are taking action or have undertaken a common assessment in relation to a child.

The index will NOT record statements of a child's needs, academic performance, attendance or clinical observations about a child.

All practitioners and system support staff (in LAs who will be responsible for maintaining the data) will have to have relevant training and to have undergone rigorous checks and appropriate security clearance procedures. To ensure high standards of accuracy, information on the IS Index will be drawn from a number of sources including the termly School Census from which, from January 2007, pupils' home address will be collected.

The DIES will also provide Ofsted with pupil data for use in school inspection. Where relevant, pupil information may also be shared with post 16 learning institutions to minimise the administrative burden on application for a course and to aid the preparation of learning plans.

Pupil information may be matched with other data sources that the Department holds in order to model and monitor pupils' educational progression; and to provide comprehensive information back to LAs and learning institutions to support their day to day business. The DIES may also use contact details from these sources to obtain samples for statistical survey: these surveys may be carried out by research agencies working under contract to the Department and participation in such surveys is usually voluntary. The Department may also match data from these sources to data obtained from statistical surveys.

Pupil data may also be shared with the other Government Departments and Agencies (including the Office for National Statistics) for statistical or research purposes only. In all these cases the matching will require individualised data is used in the processing operation, but that data will not be processed in such a way that it supports measures or decisions relating to particular individuals or identifies individuals in any results. This data sharing will be approved and controlled by the Department's Chief Statistician.

The DIES may also disclose individual pupil information to independent researchers into the educational achievements of pupils who have a legitimate need for it for their research, but each case will be determined on its merits and subject to the approval of the Department's Chief Statistician.

Pupils, as data subjects, have certain rights under the Data Protection Act, including a general right of access to personal data held on them, with parents exercising this right on their behalf if they are too young to do so themselves. If you wish to access the personal data held about your child, then please contact the relevant organisation in writing:

- the school at Kilmington Primary School, School Lane, Kilmington, Axminster, Devon, EX13 7RG
- the LA's Data Compliance Officer at Coaver Offices, County Hall, Topsham Road, Exeter, EX2 4QX

- the QCA's Data Protection Officer at QCA, 83 Piccadilly, London, W1J 8QA
- Ofsted's Data Protection Officer at Alexandra House, 33 Kingsway, London, WC2B 6SE
- LSC's Data Protection Officer at Cheylesmore House, Quinton Road, Coventry, Warwickshire, CV1 2WT
- the DfES's Data Protection Officer at DIES, Caxton House, Tothill Street, London, SW1H 9NA
- The DH's Data Protection Officer at Skipton House, 80 London Road, London, SE1 6LH
- Your local PCT

In Order to fulfil their responsibilities under the Act the organisation may, before responding to this request, seek proof of the requestor's identity and any further information required to locate the information as requested.

Separately from the Data Protection Act, regulations provide a pupil's parent (regardless of the age of the pupil) with the right to view, or to have a copy of, their child's educational record at the school. If you wish to exercise the right you should write to the school.