

DATA PROTECTION ACT

Schools, Local Education Authorities (LEAs), the Department for Education and Skills (DfES), the government department which deals with education, the Qualifications and Curriculum Authority (QCA), Ofsted and the Learning and Skills Council (LSC) all process information on pupils in order to run the education system, 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. We are therefore writing to tell you about 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 schools are required to pass on some of this data to LEAs, the DfES and to agencies, such as QCA, Ofsted and LSC, that are prescribed by law.

The **Local Education Authority** uses information about pupils to carry out specific functions for which it is responsible, such as the assessment of any special educational needs the pupil 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 pupils cannot be identified from them.

The **Qualifications and Curriculum Authority** uses information about pupils to administer the National Curriculum tests and assessments for Key Stages 1 to 3. The results of these are passed on to DfES in order for it 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 **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 school in the PCT areas to help focus local resources and deliver the Public Service Agreement target to halt the year on yr 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.

The **Department for Education and Skills (DfES)** uses information about pupils for research and statistical purposes, to inform, influence and improve education policy and to monitor the performance of the education service as a whole. The DfES will feed back to LEAs and schools information about their pupils for a variety of purposes that will include data checking exercises, use in self-evaluation analyses and where information is missing because it was not passed on by a former school. The Children Act 2004 provides for the Secretary of State to issue Regulations requiring the “governing body of a maintained school in England” to disclose 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 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 DfES 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 LEAs and learning institutions to support their day to day business. The DfES may also use contact details from these sources to obtain samples for statistical surveys: 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 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 that 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 DfES 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. If you wish to access your personal data, or you wish your parents to do so on your behalf, then please contact the relevant organisation in writing:

- Blatchington Mill School & Sixth form College, Nevill Avenue, Hove, East Sussex BN3 7BW;
- the LEA's Data Protection Officer at Brighton & Hove Council, Kings House, Grand Ave, Hove, BN3 2SU ;
- 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 DfES, Caxton House, Tothill Street, LONDON, SW1H 9NA.

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 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 this right you should write to the school.

Providing information to Connexions services providers

For pupils approaching or above age 13, the school is also required to pass on information to Connexions services providers on request. This information includes the name and address of the pupil and parent, and any further information relevant to the Connexions services' role, which is to support young people, helping them to achieve their potential and to realise benefits from education and training. However parents, or the pupil themselves if aged 16 or over, can ask that no information beyond name and address (for pupil and parent) be passed on to Connexions. If as a parent, or as a pupil aged 16 or over, you do not want Connexions to receive from the school information beyond name and address, then please contact the school within **four** weeks of receiving this note.

The LEA and DfES may supply to Connexions services providers information which they have about your child, but will not pass on any information they have received from the school if you (or your child if aged 16 or over) have notified the school that Connexions should not receive information beyond name and address.