

Looking after your child's personal data

Guidance from the Government and your Local Authority, Essex County Council

This notice is provided by law for distribution to the parents or carers of all children in maintained schools who are under 12 years old; and directly to all children and young people of 12 years and older in maintained schools. The purpose is to inform them of the kinds of personal data held and shared by various public bodies; the reasons why it is held and shared; and how personal data can be accessed.

Schools, Local Authorities (LAs), 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 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. 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 LAs, the DfES and to agencies that are prescribed by law, 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. These include notifying parents of children approaching school age of the arrangements for applying for a school's place; and the assessment of any special educational needs the child may have. The Authority also has a duty to identify children who are not receiving their entitlement to education. 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 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 for Education and Skills).

The LA has also published a leaflet, *Seeing your personal education records held by your school or the local authority*, which can be viewed on the ECC website under Living / Your right to know, or a paper copy may be requested through ContactEssex on **0845 603 7627**.

The **Qualifications and Curriculum Authority** uses information about pupils to administer national curriculum assessments throughout 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 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 and LAs with aggregate information on pupils' height and weight. In Essex, under a special data sharing agreement called the 'Essex Trust Charter', the PCTs supply to the LA, addresses of children approaching school age so that the Authority can write to their parents with information about how to apply for a school place. Under the same agreement, the PCTs also provide the LA with data on all children in Essex which helps us to identify children who are not receiving the education to which they are entitled.

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 service as a whole. The DfES will feed back to LAs 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 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 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 LAs 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:

- the school;
- the LA's Data Protection Officer at Essex County Council, County Hall, Chelmsford CM1 1LX, Telephone 01245 436235;
- 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;
- the DH's Data Protection Officer at Skipton House 80 London Road London SE1 6LH;
- your local Primary Care Trust (details from the Telephone Book).

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 personal data 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 they wish to exercise this right parents should write to the school.

Providing information to Connexions services providers; and the right to opt out

Connexions is the government's support service for all young people aged 13 to 19 in England. It also provides support up to the age of 25 for young people who have learning difficulties or disabilities (or both).

Connexions brings together all the services and support young people need during their teenage years offering differentiated and integrated support to young people through Personal Advisers (PAs). For some young people this may be just for careers advice, for others it may involve more in-depth support to help identify barriers to learning and find solutions brokering access to more specialist support, eg drug abuse, sexual health and homelessness. PAs work in a range of settings including schools, colleges, one-stop shops community centres and on an out-reach basis.

For pupils of 13 years and over, the school is legally required to pass on certain 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. However parents, or the pupils 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 **28 working days** of receiving this note. If you do not notify the school that you wish to exercise your right to opt out after the 28 day period has elapsed information will be passed to Connexions providers upon request.

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

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