



Department  
for Education

# **Data Protection Impact Assessment: School census 2022 to 2023 amendments**

**DPIA 524 Version 1.0 May 2022**

**May 2022**

## DfE Data Protection Impact Assessment

### Part 2 – Full assessment

#### PLEASE NOTE:

**This form is for a full assessment for processing information that is of a sensitive or highly personal nature. If the information you are processing contains any of the following list, it may be high risk and this full assessment form needs completing:**

- Racial or ethnic origin,
- Political opinions,
- Religious or philosophical beliefs
- Trade union membership,
- Genetic data,
- Biometric data for the purposes of uniquely identifying and individual,
- Data concerning health,
- Data concerning the individual's sex life or sexual orientation,
- Data relating to criminal convictions and offences or related security measures,
- Any other data that could be considered as sensitive, highly personal, or intrusive to an individual's privacy.
- Children
- People with mental health problems,
- Any person who may be unable to easily understand the use of their personal data or exercise their right?
- New, innovative, or unusual technologies
- [Automated decision making](#)
- [Systematic monitoring](#)
- [Profiling](#)

The full assessment consists of three sections:

- Section 1: The nature, scope, context and purpose of the processing
- Section 2: Identification, assessment and mitigation of risks
- Section 3: Sign off and outcomes.

Complete section 1.

The Data Protection Assurance Team will help you complete section 2 and will advise when to complete section 3. Section 3 is to be shared with your Senior Responsible Owner (SRO), to ensure they understand what they need to do.

#### Where to find more information

The Data Protection by Design guide provides guidance on various aspect of data protection, and it will help you understand what you need to do. If you require further details relating to the DPIA process or form, please contact the [Data Protection Assurance Team](#).

## Section 1: The nature, scope, context and purpose of the processing

### About your initiative

|  |  |
|--|--|
| Initiative name or title   | School Census  |
| Initiative or Project Manager's Name:  | ██████████,<br>Data Collection Owner<br>Data Ownership Team                        |
| Initiative or Project Manager's Email Address:   | ██████████@education.gov.uk  |
| Senior Responsible Owner's (SRO) Name:<br>This is the senior person responsible for this initiative          | ██████████<br>DfE, Head of Data Operations   |
| Senior Responsible Owner's (SRO) Email Address:<br>This is the senior person responsible for this initiative | ██████████@education.gov.uk  |
| Name of person completing the form   | ██████████   |
| Email address of the person completing the form  | ██████████@education.gov.uk  |
| What date does your initiative "go live"   | 01 September 2022<br><br>New regulations come into force for the new academic year |

## 1. Describe your initiative and what it aims to achieve.

Include details of the intended benefits for the individual, DfE, Government and society more widely.

### Acronyms

AP – Alternative Provision  
 PRU – Pupil Referral Units  
 URN – Unique Reference Number  
 SEN – Special Educational Need

This DPIA is written in relation to the changes being made to the school census in 2022 to 2023. This along with the overarching school census DPIA will be reviewed annually.

The submission of the school census data collection, including a set of named pupil records, is an existing statutory requirement on schools. More information on the school census can be found here: [Complete the school census - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/complete-the-school-census)

The data is crucial to DfE and used for funding calculations, official statistics and insight for policy modelling and implementation.

The current Education (Information About Individual Pupils) (England) Regulations 2013 as amended are explicit in what they require schools to provide for each pupil. For us to collect additional data on a statutory basis, we will need to amend this secondary legislation.

This proposal is to amend the secondary legislation to mandate the collection of additional data items at individual pupil level:

1. Post looked after arrangements: Whether a pupil has ceased to be adopted from state care from outside of England or Wales
2. Young carer indicator: Whether a pupil has been identified as a young carer.
3. Alternative provision placements: Where applicable, details of pupil's Alternative Provision placement/s

### **Post looked after arrangements.**

The school census already collects an indicator which provides the route in which a pupil has ceased to be looked after, specifically, adoption from England and Wales, special guardianship or child arrangements order. It does not extend to collect post looked after arrangements for children adopted from outside of England or Wales. Post looked after arrangements is statutory support available to children who are no longer looked after. It is important that the child's (data subject) journey is fully understood. This is why the data set is being extended to capture all circumstances. Failure to extend these options may prompt legal challenge and continue to see further inequalities in the eligibility and access to additional resources currently provided to previously looked after students from England/Wales and their respective schools.

Expanding the existing data item of 'post looked after arrangements', to capture specifically whether a child has been adopted from state care outside of England or Wales will give parity to this cohort and

provide financial support via the pupil premium plus.

### **Young carer Indicator**

Data on young carers is limited (Section 17ZA of the Children Act 1989 says a young carer is a person under 18 who provides or intends to provide care for another person (which isn't to a contract or voluntary work)) – DfE do not currently collect any information directly from schools or local authorities and instead rely on 10-yearly national census for headline numbers and survey/qualitative evidence as to impact that caring has on educational and other outcomes. We published a commitment to better quantify the numbers of young carers in the Adult Social Care Reform White Paper (published 01 December 2021).

Children and Young People who have care responsibilities told the Children's Commissioner that they don't want to have to keep telling their 'story'. They said that they should only have to tell schools once that they are a young carer, and this should be shared as they progress through their school journey. It is important that Young Carers are supported appropriately, based on their individual circumstances. Extending the school census to collect new data on whether a pupil is identified as a young carer, will help to achieve a good understanding of how many young carers there are, provide DfE with crucial data, allowing us to better quantify the numbers of young carers and understand if there is any direct impact that being a carer has on their education.

### **Alternative Provision Placements:**

The data DfE holds on AP can be strengthened, particularly to understand why AP is used.

Ministers agreed that from the start of the 2021/21 academic year, the new AP data modules can be collected via the school census voluntarily, but there is not currently any statutory requirement to provide the data.

Amending the existing AP placement information to mandatory will ensure all maintained schools and academies, are compelled to return the data every term. This will provide a stronger evidence base on the numbers of and reasons for AP placements so that we can provide more accurate information to ministers, parliament and external stakeholders to inform strategic and policy decisions. It will help us to understand the scale of the AP sector and support the development and evaluation of the Secretary of State's forthcoming AP reform programme.

## About the personal data and the processing

### 2. List the personal data items you will be processing for your initiative.

Highlight any data items that are special category data. This includes data such as:

- Racial or ethnic origin,
- Political opinions,
- Religious or philosophical beliefs
- Trade union membership,
- Genetic data,
- Biometric data for the purposes of uniquely identifying and individual,
- Data concerning health,
- Data concerning the individual's sex life or sexual orientation,
- Data relating to criminal convictions and offences or related security measures,
- Any other data that could be considered as sensitive, highly personal or intrusive to an individual's privacy.

This proposal is to amend the secondary legislation to mandate the collection of additional data items, which are not personal data on their own however, collected alongside a wealth of individual pupil identifiers. Found here: [Complete the school census - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/complete-the-school-census)

#### **Post looked after arrangements:**

Within this data item, that is self-declared by the parent/carer, an additional option, to specify where a pupil is no longer looked-after because of being adopted from state care outside of England and Wales.

#### **Young carer indicator:**

A new self-declared data item, to distinguish whether the child, their parent/carer or the school has identified the pupil as a young carer. This enables the school to speak to the pupil to understand if they need any support from school to ensure their education isn't disrupted and care can continue.

#### **Alternative provision placements:**

The following data items will be collected where the pupil has been placed in alternative provision:

Module 1: Alternative provision for single registered pupils' module – from PRU or AP academies

- URN of previous school
- Alternative provision reason
- Alternative provision SEN provision on entry

Module 2: School arranged alternative provision.

- Alternative provision placement URN
- Alternative provision placement UKPRN
- Alternative provision placement type of setting
- Alternative provision placement Company number
- Alternative provision placement Postcode
- Placement reason
- Alternative provision placement date of entry
- Alternative provision placement SEN at date of entry
- Alternative provision placement date of leaving.
- Alternative provision placement SEN at date of leaving.
- Alternative provision placement attendance pattern

## 2. List the personal data items you will be processing for your initiative.

Highlight any data items that are special category data. This includes data such as:

- Racial or ethnic origin,
- Political opinions,
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- Trade union membership,
- Genetic data,
- Biometric data for the purposes of uniquely identifying and individual,
- Data concerning health,
- Data concerning the individual's sex life or sexual orientation,
- Data relating to criminal convictions and offences or related security measures,
- Any other data that could be considered as sensitive, highly personal or intrusive to an individual's privacy.

- Alternative provision placement sessions per week

### 2a Lawful basis for processing personal data.

Detail on what lawful basis you are processing personal data:

School census returns are shared with the DfE under **Legal obligation**. DfE process this information under public task article 6 (1) (e), using the following legislation.

[Section 537A of the Education Act 1996](#).

[Education \(Information About Individual Pupils\) \(England\) Regulations 2013](#)

### 3. Specify the source of the personal data.

For example, directly from the individual, other organisation, existing DfE records.

If the data comes from DfE records, specify the system/dataset that holds the records.

If you obtain personal data from multiple sources list all of them and state what data will be obtained from each source.

In England, all the following schools are required to provide the information collected in this census to DfE:

- maintained nursery
- primary
- middle-deemed primary
- middle-deemed secondary
- secondary
- all-through

### 3. Specify the source of the personal data.

For example, directly from the individual, other organisation, existing DfE records.

If the data comes from DfE records, specify the system/dataset that holds the records.

If you obtain personal data from multiple sources list all of them and state what data will be obtained from each source.

- special schools (including non-maintained special schools)
- pupil referral units / alternative provision (PRU / AP)
- academies (including free schools, university technical colleges (UTCs) and studio schools)
- city technology colleges (CTCs)

The majority of data collected is held by schools for their own purposes, either for the operation of their school or due to other statutory obligations.

Regarding the new data:

Post looked after arrangements: self-declared by parent/carer.

Young carer indicator: self-declared by parent/guardian or school.

Alternative provision placements: information held by the school.

When collecting the self-declared data from individuals, the data provider (school) must ensure that pupil (as the data subject) and their parent/carer are made aware of their right to decline to provide these data items where that right exists. Where they exercise this right, the information is recorded in their system, and returned to DfE, using the code 'Not declared'.

### 4. Explain how you will obtain the data.

For example, digital form, paper form, email, electronic transfer, face to face over the telephone.

If there are multiple methods of obtaining data, list all of them and state what data will be collected by each method.

The data provider (school) collates data at source and stores locally within school management information systems (MIS).

Management information systems (MIS) are systems which manage and store schools' data. These include the data schools are legally obliged to provide as part of the census return, or otherwise legally obliged to hold. This could be a single system or multiple systems (digital or paper based) within the same school for different purposes and/or types of data.

The school census data is submitted termly by schools (or local authorities on their behalf), to the DfE. Data is either:

- a) extracted from the school MIS in a specific file format.
- b) entered into an excel template, where an electronic MIS is not held and converted into a specific file format

This file is then uploaded into COLLECT (DfEs main data collection tool)

[COLLECT guides](#) for school and local authorities are available for assistance with submitting their return to DfE.



**4. Explain how you will obtain the data.**

For example, digital form, paper form, email, electronic transfer, face to face over the telephone.

If there are multiple methods of obtaining data, list all of them and state what data will be collected by each method.

**5. Explain how the personal data will be held and what security measures will be in place.**

Summarise any advice you have received from security colleagues. Attach any approvals including Authority to Operate (AtO)

The raw (underlying) data collected via the school census is stored securely, under a combination of software and hardware controls which meet the ISO27001 standards and the government Security Policy Framework, alongside other data collections completed by Education Data Division in 'I-Store'. The 'I-Store' database is a secure, read-only, internal database which is populated with raw information collected by DfE via our centrally specified data collections.

Access to data collections within 'I-Store' is restricted to a subset of internal DfE analysts with such access controlled, at an individual data collection level, by the information asset owner for that collection. All DfE officials granted access to the alternative provision census are required to have completed the Responsible for Information: General User mandatory training. This approach has been checked, received relevant security approvals, and complies with DfE security standards.

**6. List any organisation other than DfE that will be involved in processing the personal data.** In each case explain:

1. The role of the organisation in processing the data
2. The nature of the relationship to DfE
3. What data will be processed, how and why?
4. How you will ensure organisations will only use the data for the specified purposes
5. What security measures will be in place?

Attach data flow diagrams if necessary.

DfE do not directly engage any external suppliers in the processing of personal data for the purpose of the school census. Any external supplier involvement in supplementary processing (e.g. to support the NPD) will be documented within the DPIA for those processing activities.

Schools and local authorities may enter into commercial relationships with external system suppliers (for example, providers of management information systems) to process data on their behalf. However, as data controllers in their own right, it will be a matter for the individual local authorities to manage their own compliance (and that of any data processors they engage) with data protection responsibilities.

A data flow diagram is provided at Annex A.

**7. Specify how long the personal data will be kept and how you will ensure it is not kept for longer than is necessary.**

Include details of how data will be disposed of when they are no longer needed.

The school census retention period is documented in the DfE Data Directorate Information Asset Register (IAR), to ensure that the data will be retained for no longer than is necessary for the purpose for which the data was originally collected.

The Information Asset owner annually reviews the details stored in the Information Asset Register, including the retention period.

**Length Data Retained:**

66 years – subject to annual review, whilst the data remains necessary for the purposes for which the data was originally collected.

**Justification:**

Data collected via the school census is retained for archiving purposes in the public interest and for scientific, historical and statistical purposes to promote the education or well-being of children in England. The availability of individual level data also increases confidence that expenditure is being targeted properly and improves the evidence base for formulation and delivery of other policies.

**Anonymisation**

As part of the ongoing reviews, consideration is given as to whether the data needs to be kept for longer and, if so, whether it will be possible to fully anonymise or de-identify the data. Any anonymisation will be completed according to policies outlined within the [DfE Data](#)

**7. Specify how long the personal data will be kept and how you will ensure it is not kept for longer than is necessary.**

Include details of how data will be disposed of when they are no longer needed.

[Anonymisation & Pseudonymisation](#) policy which provides strategic guidance for understanding and implementation of anonymisation and pseudonymisation techniques for personal data within DfE and its executive agencies.

**8. Explain any processing of personal data that will take place outside the United Kingdom.**

This includes any “offshoring” by service providers. Have the necessary approvals been given? Provide details.

Further offshoring details are available [here](#)

The school census data is stored and processed within Microsoft Azure cloud hosting which is based in the Republic of Ireland and the Netherlands.

DfEs use of Microsoft Azure hosting has approval from the Cabinet Office and meet all the relevant guidelines for holding and processing personal and restricted data. This includes ensuring the systems comply with the Data Protection Legislation and other relevant legislative obligations that apply to data rated at OFFICIAL-SENSITIVE.

**9. Explain any use of [cookies or similar technologies](#), provide details of any optional or analytical cookies. Attach a copy of or link to the cookies banner and cookies policy.**

There are no tracking or analytics cookies used within Collect (DfEs main data collection tool).

**About necessity, proportionality, lawfulness and data quality**

**10. Explain how processing the personal data listed in question 2 will help achieve your aims.**

The changes to the school census planned for 2022 to 2023 are to better understand and support vulnerable children. We will use data to calculate pupil premium funding, improved safeguarding and to ensure this cohort are given equal opportunities in education.

**Post looked after arrangements.**

The school census already collects an indicator which provides the route in which a pupil has ceased to be looked after. Failure to extend these options may prompt legal challenge and continue to see further inequalities in the eligibility and access to additional resources currently provided to previously looked after students from England/Wales and their respective schools.

## **10. Explain how processing the personal data listed in question 2 will help achieve your aims.**

Expanding the existing data item of 'post looked after arrangements', to capture specifically whether a child has been adopted from state care outside of England or Wales will give parity to this cohort and provide financial support via the pupil premium plus.

### **Young carer Indicator**

Data currently available on young carers is limited – DfE do not currently collect any information directly from schools or local authorities and instead rely on 10-yearly national census for headline numbers and survey/qualitative evidence as to impact that caring has on educational and other outcomes. We published a commitment to better quantify the numbers of young carers in the Adult Social Care Reform White Paper (published 01 December 2021).

Extending the school census to collect new data on whether a pupil is identified as a young carer, will provide DfE with crucial data, allowing us to better quantify the numbers of young carers and understand the direct impact that being a carer has on their education.

### **Alternative Provision Placements:**

The data DfE holds on AP can be strengthened, particularly to understand why AP is used. For example, a child may need to receive education from an AP due to an illness requiring them to stay in hospital or a child who has been supported by their school to enable them to remain in mainstream schooling which isn't sustainable may need to receive their education from a Pupil Referral Unit as an AP.

Ministers agreed that from the start of the 2021/21 academic year, the new AP data modules can be collected via the school census voluntarily, but there is not currently any statutory requirement to provide the data. The only statutory data DfE collect on AP is from local authorities, via the Alternative Provision census, this is limited and does not include provision that is commissioned by schools and/or academies themselves.

Amending the existing AP placement information to mandatory will ensure all maintained schools and academies, are compelled to return the data every term. This will provide a stronger evidence base on the numbers of and reasons for AP placements so that we can provide more accurate information to ministers, parliament and external stakeholders. It will also help us to understand the scale of the AP sector and support the development and evaluation of the Secretary of State's forthcoming AP reform programme.

**11. Describe any ways of achieving the initiative's aims you have considered that use less or no personal data and explain why you have not pursued them.**

Personal data is essential to understand the impact on individual pupils based on these new data items. Without this information DfE would be unable to achieve their aims as set out above.

**12. Explain how you will ensure that the personal data is of a sufficient quality.**

DfE take all necessary steps possible to ensure sufficient quality.

Data recording/entry at source

Data validation will be built into data provider management information systems, in co-operation with the suppliers, to ensure validation at source / point of entry.

Data validation during data collection

At the collection stage (processing activity above) each individual intake, or 'blade', includes automated error checking – both definite errors and possible ones are raised with the data provider for action. Included within this are validation rules checking the integrity of individual fields of data, rules checking the internal consistency of a data items across a data return and longitudinal validation rules comparing the current collections data with that from previous collections.

**13. Specify the lawful basis for processing the special categories of data.**

The processing of special category data as part of the general creation and maintenance of the school census is completed under GDPR article 9(2)(g) (substantial public interest) which permits the processing of special categories of personal data for reasons of "substantial public interest on the basis of domestic law".

School census returns are shared with the DfE under:

[Section 537A of the Education Act 1996](#).

[Education \(Information About Individual Pupils\) \(England\) Regulations 2013](#)

Section 8 of the DPA 2018 states that Article 6(1)(e) includes processing that is necessary for: "the exercise of a function conferred on a person by an enactment or rule of law" (Section 8(c)); or

"the exercise of a function of the Crown, a Minister of the Crown or a government department" (Section 8(d)).

As the DfE is a government department we are relying on Article 6(1)(e) as we are "exercising a function" via the school census. We are exercising multiple functions via the collection via the school census. but, at its broadest, the functions supported via the school census are legislated via the Education Act 1996 section 10 and section 11 which require the Secretary of State to "promote the well-being of Children in England" and "exercise his powers with a view to (among other things) improving standards, encouraging diversity and

**13. Specify the lawful basis for processing the special categories of data.**

increasing opportunities of choice". The specific changes within these changes are designed to improve education for particular cohorts of pupils (those in AP, young carers and looked after children) and therefore are consistent with the duty on the SoS to promote the education of children in England.

Section 10(3) of the DPA 2018 provides that processing meets the requirements of Article 9(2)(g) of the UK GDPR if it meets a condition in Part 2 of Schedule 1 of the DPA 2018. For the processing within the NPD the condition met will be paragraph 6 (statutory and government purposes). This requires the processing to be necessary for:

- reasons of substantial public interest; and
- the exercise of a function either (i) conferred on a person by enactment or rule of law; or (ii) the exercise of a function of the Crown, A minister of the Crown or a government department.

The substantial public interest is provided by the processing allowing DfE and its executive agencies to ensure the provision of education and children's services is effective and efficient (see Q10) and function being exercised will be as outlined in response to Q2a (above) which covers the function the processing meets for the reliance on Article 6(1)(e).

**The impact on individuals and their rights****14. Describe the effect the initiative is intended to have on individuals.**

Whilst the processing of data within the school census may be based on individual level data, the majority of the outcomes of the processing will be targeted at the education sector in general and not the individual data subjects. The individual data subjects will be those who are currently, or have previously, engaged in the English education system and, as such, will be those who directly benefit from understanding how the education system is working and the provision of valuable school performance information to the parents of the data subject.

The changes to the school census planned for 2022 to 2023 are to better understand and support vulnerable children. We will use data to calculate pupil premium funding, improved safeguarding and to ensure this cohort are given equal opportunities in education.

School census is also used to ensure that money is accurately allocated to educational establishment's attended by data subjects based upon the characteristics and needs of the pupils attending that establishment. The data subjects, as members of the public, will also benefit from the processing of data in the public interest.

### 15. Explain how individuals will know that their personal data will be processed in this way.

If you think the processing is covered by the DfE Privacy Notice specify what parts. ([DfE Privacy Notice](#)) If this initiative will have its own privacy notice please attach details.

The DfE take all reasonable steps to ensure that pupils and parents are made aware of privacy notices.

The suggested wording for privacy notices is published on gov.uk, along with a user guide (containing an example notice) – this information is easily searchable.

Privacy notices are also promoted within the DfE data collection guidance, via direct messaging to data providers and in a forum used by DfE, schools and local authorities to communicate about data collections and share information amongst themselves.

DfE is reliant on schools, Local Authorities and other organisations (who are the initial data controllers in the data supply chain, and with whom parents typically have the most active and visible relationship) utilising the privacy notice suggested wording documents as part of their own compliance with data protection responsibilities.

It should also be noted that DfE is transparent about the uses we make of the data we process. Information about which organisations DfE has provided pupil information to (and for which project) are published on GOV.UK in the link below and detailed in the suggested wording for privacy notices that DfE makes available to support schools, LAs and other organisations:

<https://www.gov.uk/government/publications/df-e-external-data-shares>

### 16. Explain what choice, if any, individuals have about:

- Their involvement in the initiative
- How their data are processed.

The submission of the school census returns, including a named set of pupil records, is a statutory requirement on schools. This:

- means that providers do not need to obtain parental or pupil consent to the provision of information
- ensures providers are protected from any legal challenge that they are breaching a duty of confidence to pupils, and
- ensures that returns are completed by providers

With regards to the changes for 2022 to 2023:

Post looked after arrangements are self-declared and only recorded in systems and transferred to the DfE where the pupil and/or parent have informed the school. Pupils/parents will be informed of this upon collection.

**16. Explain what choice, if any, individuals have about:**

- Their involvement in the initiative
- How their data are processed.

Young carer indicator is self-declared and only recorded in systems and transferred to the DfE where the pupil and/or parent have informed the school. Pupils/parents will be informed of this upon collection.

Alternative Provision placement information, where applicable is mandatory – schools will be required by law to share it with the DfE.

**17. Describe any consultation with individuals who may be impacted about the processing of personal data in your initiative that has taken place or is planned.**

If you do not consider consultation to be necessary, explain why.

As has been the established practice when amending the Regulations, no formal consultation process has taken in place in relation to these changes. However, consultations have taken place with DfEs Star Chamber Scrutiny Board, and the providers of management information systems to schools and local authorities.

The Star Chamber Scrutiny Board have approved the changes to the school census, including the addition of new data items.

The Star Chamber Scrutiny Board helps to assess all Department proposals for new, or revised, data collections relating to children and young people. It aims to ensure all new collections, or revisions to existing collections, are feasible, necessary, provide value for money and are timed to add as small a burden to the frontline as possible. The group is formed from frontline local authority representatives involved in children's services data, including education, social care and early years, plus serving head teachers from primary and secondary education.

The providers of management information systems to schools have also agreed to develop their systems to hold the required data and put in place functionality that allows schools to provide this data to DfE.



**18. The right of access:** Explain how individuals will be able to access their personal data that will be processed.

DfEs Personal Information Charter provides instructions to data subjects about how to make an individual rights request to DfE.

This process is also highlighted in the DfEs suggested wording for privacy notices which we provide to schools, local authorities and other organisations (who are the initial data controllers in the data supply chain, and with whom parents typically have the most active and visible relationship) and also in project or data source specific privacy notices where relevant. Each request will be considered individually on its merits according to standard DfE processes for individual rights requests.

**19. The right to rectification:** Explain how personal data will be updated if an individual informs you that the personal data you hold about them are incorrect or incomplete.

Consider how you will ensure that all instances of data can be identified and updated if required.

Where a school identify an error during the data collection, a process is in place for this to be corrected by themselves or DfE:

Data recording/entry at source

Data validation will be built into data provider management information systems, in co-operation with the suppliers, to ensure validation at source / point of entry

Data validation during data collection

At the collection stage (processing activity above) each individual intake, or 'blade', includes automated error checking – both definite errors and possible ones are raised with the data provider for action. Included within this are validation rules checking the integrity of individual fields of data, rules checking the internal consistency of a data items across a data return and longitudinal validation rules comparing the current collections data with that from previous collections.

Where a school identify an error after the data collection, a process is in place for this to be corrected by DfE.

DfEs Personal Information Charter provides instructions to data subjects about how to make an individual rights request to DfE.

This process is also highlighted in DfEs suggested wording for privacy notices which we provide to schools, local authorities and other organisations (who are the initial data controllers in the data supply chain, and with whom parents typically have the most active and visible relationship) and also in project or data source specific privacy notices where relevant. Each request will be considered individually on its merits according to standard DfE processes for individual rights requests.

**20. The right to erasure:** Explain how you will erase the personal data of an individual if required to do so before the normal retention period.

Consider how you will ensure that **all** instances of the data can be identified and erased if required.

Data is retained in line processing under public task.

DfEs Personal Information Charter provides instructions to data subjects about how to make an individual rights request to DfE.

This process is also highlighted in DfEs suggested wording for privacy notices which we provide to schools, local authorities and other organisations (who are the initial data controllers in the data supply chain, and with whom parents typically have the most active and visible relationship) and in project or data source specific privacy notices where relevant.

Each request will be considered individually on its merits according to standard DfE processes for individual rights requests. It is noted that in line with ICO guidance the right to erasure does not apply in most cases where the data is collected under Public Task ([Lawful basis for processing | ICO](#))

**21. The right to restrict processing:** Explain how you will prevent the personal data of an individual from being erased according to the normal retention period if required to do so.

Consider how you will ensure that **all** instances of the data can be identified and prevented from being erased if required.

DfEs Personal Information Charter provides instructions to data subjects about how to make an individual rights request to DfEs.

This process is also highlighted in the DfEs suggested wording for privacy notices which we provide to schools, Local Authorities and other organisations (who are the initial data controllers in the data supply chain, and with whom parents typically have the most active and visible relationship) and also in project or data source specific privacy notices where relevant.

Each request will be considered individually on its merits according to standard DfE processes for individual rights requests.

**22. Does your initiative involve [automated decision making](#)?**

Automated decisions are those which:

- Are based **solely** on automated processing with no human involvement; **and**
- Have a legal or similarly **significant effect** on the individual.

N/A

**22. Does your initiative involve [automated decision making](#)?**

Automated decisions are those which:

- Are based **solely** on automated processing with no human involvement; **and**
- Have a legal or similarly **significant effect** on the individual.

**23. Does your initiative involve any [profiling](#)?**

“Profiling” means evaluating or scoring individuals using automated processes to analyse or predict aspects about their:

- Performance at work
- Economic situation
- Health
- Personal preferences or interests
- Reliability or behaviour
- Location or movements

N/A

**24. Is the purpose of your initiative the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties?**

N/A

## Section 2: Identification, assessment and mitigation of risks

| Describe the source of the risk                                    | Describe the nature of potential impact on individuals.  | Impact<br>1=Very Low<br>5 = Very High | Likelihood<br>1=Very Low<br>5 = Very High | Overall Risk<br>Impact x Likelihood | Mitigation  | Residual Risk<br>1=Very Low<br>5 = Very High |
|--|--|---------------------------------------|---|-------------------------------------|---|--|
| Rights of data subjects  | That data subjects are not suitably informed of the processing of data by the DfE and, in particular, what data is being held, for what purpose and to whom it may be communicated or shared.  | 2                                     | 3   | 6                                   | <ul style="list-style-type: none"> <li>• DfE provide suggested wording to schools, local authorities and other organisations for inclusion within privacy notices.</li> <li>• Further information about DfE data and its sources, uses, how and whom we share it with and associated legislation is also made publicly available (and referenced in the suggested wording for privacy notices) on the GOV.UK website to further increase transparency.</li> </ul>                 | 2  |
| There is a risk that data is retained for longer than is necessary | <p>Personal information not destroyed in line with retention schedules and policies, is a potential breach of data protection legislation.</p> <p>The data subject will be unaware that the project / controller is still processing their personal information and, if they subsequently become aware, they may be reluctant to share their personal information in future with DfE</p> | 2                                     | 1   | 2                                   | <ul style="list-style-type: none"> <li>• Data subject to ongoing periodic reviews by the information asset owner to ensure that the data is retained for no longer than is necessary for the purposes for which the data was originally collected.</li> <li>• As part of the ongoing reviews, consideration is given as to whether the data needs to be kept for longer and, if so, whether it will be possible to fully anonymise or de-identify the data.</li> <li>•</li> </ul> | 1  |

**Section 3: Sign off and outcomes.**

| <b>Sign off.</b>   | <b>Name and date</b>                          |
|--|---|
| The Data Protection Assurance Team will advise on compliance, and risk mitigation options.<br><br>Data Protection Assurance Team advice provided by: | [REDACTED]<br><br>[REDACTED]@education.gov.uk |

|  |
|--|
| Deputy DPO consulted: YES  |
| Date consulted: 25 <sup>th</sup> May 2022  |
| <p>Deputy DPO comments:</p> <p>This DPIA is limited in scope to the legislation changes for the School Census that come into effect in September 2022.</p> <p>Lawful basis for processing personal and special category data confirmed. DfE processes personal data for the census under article (6) (1e) public task and special category data under article 9(2)(g) substantial public interest. Section 10(3) of the DPA 2018 provides that processing meets the requirements of Article 9(2)(g) of the UK GDPR if it meets a condition in Part 2 of Schedule 1 of the DPA 2018. For the processing within the NPD the condition met will be paragraph 6 (statutory and government purposes). This requires the processing to be necessary for:</p> <ul style="list-style-type: none"> <li>• reasons of substantial public interest; and</li> <li>• the exercise of a function either (i) conferred on a person by enactment or rule of law; or (ii) the exercise of a function of the Crown, A minister of the Crown or a government department.</li> </ul> <p>Legislation that enables the use of public task/substantial public interest is the Education Act 1996 section 10 and section 11 which require the Secretary of State to "promote the well-being of Children in England" and "exercise his powers with a view to (among other things) improving standards, encouraging diversity and increasing opportunities of choice". The specific changes are designed to improve education for particular cohorts of pupils (those in AP, young carers and looked after children) by ensuring that we understand and target their specific needs noting that they may not have the same opportunities as their peers due to their specific circumstances. This is in scope of the legal obligations of the Secretary of State laid out in this paragraph.</p> <p><b>Action required to address risks identified -</b><br/>The School Census pre-dates UK GDPR, I have confirmed no DPIA has been completed for the School Census. <b>A DPIA is to be completed for the School Census as a priority.</b></p> <p>DfE has drafted model privacy notices for use by schools, these include a link to more detailed information on the School Census, but there is no requirement on schools to use these privacy notices. There is information for schools and parents on the School Census DfE available via gov.uk but DfE does not currently have a specific privacy notice for the School Census.</p> <p>DfE could better meet its transparency obligations by having a specific privacy notice for the School Census for issue to parents. <b>This privacy notice is to be developed as a priority and requirement to ensure it is easily accessible.</b> As part of the development of the privacy notice the question of how it can be easily accessed needs to be addressed.</p> |

|  |                                    |
|--|------------------------------------|
| DPIA to be kept under review: YES –<br>Agreed start date for School Census DPIA and privacy<br>notice to be confirmed. | Review date: 10 <sup>th</sup> June |
|--|------------------------------------|

## Data flow diagram

## Annex A

The following data flow map shows the flow of personal data for a learner (pupil) from the point of finalisation of data requirements for the school census to the point the data is shared with internal DfE analysts, PDR and NPD (for subsequent data sharing). This DPIA will start from DfEs collection of data from schools. A graphical representation of the DPIA scope is displayed in below. However, as already mentioned, the second line processing (such as within the NPD) will be subject to its own separate DPIA and, as such, is deemed as out of scope of this DPIA.

