



2016-0036177POGibb

Nick Gibb MP

Minister of State for School Standards

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Ms Jen Persson

By email: jen@defenddigitalme.com

22 August 2016

Dear Ms Persson,

Thank you for your recent emails, addressed to the Secretary of State and myself, regarding changes to the school census. I am replying as the Minister of State for School Standards.

All proposals by the Department for new, or revised, data collections are assessed by the Star Chamber Scrutiny Board (SCSB), an advisory panel which comprises representatives from schools and local authorities. The SCSB was consulted about the proposed changes to the school census for the 2016/17 academic year and approved them in full. Further information about the work of the SCSB and its membership is available at: www.gov.uk/government/groups/star-chamber-scrutiny-board.

The school census is a long standing data collection with established protocols and processes in place. As the census already captures a range of characteristic information about individuals, the collection of these additional pieces of information does not present any new privacy risk, and, consequently, a formal Privacy Impact Assessment was not undertaken.

There is, additionally, no specific duty under the Equality Act 2010 to complete an equality analysis. The Public Sector Equality Duty does, however, require the Department to give consideration to the equality implications of its decisions and, in particular, the need to advance equality of opportunity for individuals who share particular characteristics. The additional information sought through the changes to the census does, therefore, support the Department, and the individuals concerned, by helping us understand how effectively the education sector serves foreign nationals by providing valuable statistical information on the characteristics of these groups of children. When combined with their attainment and destinations, this will allow the Department to determine whether the individual pupils, or the schools they attend, face additional educational challenges. It will also provide a better evidentiary baseline for future policy decision making.

The return of the new data is a statutory requirement on schools. As details of pupils' nationality and country of birth is declared by the parent or guardian, schools are, however, able to use the 'refused' code in cases where the parent or guardian has declined to provide the information requested. This is clearly stated within the school census guidance for schools and local authorities which was published on 4 May 2016. This guidance also makes clear that there is no requirement for the school to see, or request, any documentary evidence such as a passport or birth certificate. The guidance is available at: <http://tinyurl.com/jo7wkwf>.

We do not advise schools directly on their collection and processing of personal data or regulate their compliance with the Data Protection Act. We do, however, provide a privacy notice template for schools to use to explain to parents what personal data they collect, why it is collected, who it is shared with and what it is used for. The template also gives access to further information about the Department's use of their children's data. Privacy notice model documents can be found at: <http://tinyurl.com/p5bevte>.

The data surrounding pupils' country of birth and nationality are solely for internal Department for Education use for analysis, statistics and research. It is important we assess the quality of these data and understand what they are telling us. Our decisions are reviewed periodically but I can confirm there are no present plans to release these data items externally. Any decision on whether the Department releases data to a third party is subject to a rigorous approval process, including a detailed assessment of who is requesting the data, the purpose for which it is required, the level and sensitivity of data requested, and the arrangements in place to store and handle the data if released.

With best wishes.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Nick Gibb', written in a cursive style.

Nick Gibb MP