

Template text to be adapted in Preparation of rights to Object and Erasure requests of individual personal confidential pupil data jointly controlled by the Department for Education

Instructions

1. Please amend the letter to include your own contact and reference numbers, so that the identity of your own, your child, and the school is very clear.
2. If unsure, please follow these steps if you wish to find your URN, Local Authority Number or Establishment Number:

Go to <https://get-information-schools.service.gov.uk/>

1. Select "Search by Location" and enter your school's postcode in the box labeled 'Postcode, town or city'
 2. Click on the 'Search' button
 3. Select your school from the list on the next page
 4. You will be taken to a page where all three numbers are shown.
3. Please submit your letter directly to the school and ask that they make the same request of the Department for Education, and Local Authorities, since they are joint data controllers.
 4. If schools have questions about your responsibilities as joint data controller and processor, we refer them to the ICO guidance on controllers and processors¹ and suggest they contact them for clarification or support.²

¹ ICO Guidance on Data Controllers and Processors
<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/controllers-and-processors/>

² ICO support <https://ico.org.uk/global/contact-us/helpline>

To
[Insert School name]
Cc The Department for Education
Cc [insert Local Education Authority]

[your contact details]
[insert date]

Dear [insert addressee],

I am writing to you with responsibility for **[insert child's full name]**, at **[insert school name, school unique identifier URN, Local Authority Number or Establishment Number]**,

I write to exercise the following rights:

[select the options you want to make, or select both]

1. Right to Object to the processing by the Department for Education and its arms length bodies, or third parties, of all data submitted in the School Census, for the Learners Records Service, Statutory testing, or other national data extractions [the relevant data].
2. Request to Cease Processing by the Department for Education and its arms length bodies, or third parties of the relevant data.

I ask that all processing and re-use of personal data cease with immediate effect, for any purposes beyond the direct education of _____ **[insert child's full name]**

Basis in law for request to cease processing, to object, or erasure

Right to object to processing

Article 21 of the GDPR provides for the right to object to the processing of personal data for a task carried out in the public interest; and the exercise of official authority vested in you.

Any personal data collected by you, or the Department, is lawful only for educational purposes under education law, the Education Act 1996 537a. I object therefore to any processing of the data we have provided to you, the Department and/or Local Authority, for any other purposes.

School census and statutory testing data are widely distributed to third parties³. I believe that the risks to the fundamental rights and freedoms of pupils, and the lawful basis upon which the data collection rely being for educational purposes only, outweighs the interests of the Department for Education (as the other joint data controller) sharing with Home Office, and with thousands of third parties, including [private tutoring companies](#)⁴, charities, [consultants](#)⁵, think tanks, [data intermediaries](#)⁶, or [journalists](#)⁷. Or to join up with police data or for potential [classroom interventions](#). The latest unexpected use of Learner Records processed by the Department and ESFA is, we understand, [for identity screening](#)⁸.

³ External distribution of identifiable and sensitive pupil data <https://www.gov.uk/government/publications/dfe-external-data-shares>

⁴ Private Tutoring company https://defenddigitalme.com/wp-content/uploads/2017/05/Tutor_Hunt.pdf

⁵ Data consultancy <https://defenddigitalme.com/wp-content/uploads/2017/06/OPM.pdf>

⁶ Data intermediary https://defenddigitalme.com/wp-content/uploads/2017/06/Mime_Consulting.pdf

⁷ BBC Newsnight journalist <https://defenddigitalme.com/wp-content/uploads/2017/06/BBCNewsnight.pdf>

⁸ Identity Screening <https://defenddigitalme.com/2020/01/comment-on-sunday-times-story-gbg-use-of-national-learner-records/>

Right to restrict the processing

Article 18 of the GDPR gives individuals the right to restrict the processing of their personal data in certain circumstances. This means that an individual can limit the way that an organisation uses their data. This is an alternative to requesting the erasure of the data.

Individuals have the right to restrict the processing of their personal data where they have a particular reason for wanting the restriction. The recent breach of Learners' Records Service data, suggests that personal confidential data has been unlawfully processed (ie in breach of the lawfulness requirement of the first principle of the GDPR).⁹

I also object to the processing of my / my child's data for any purposes beyond their direct education or well being, which is the lawful basis for collection. There is no necessity to give my / my child's personal data to thousands of third parties without my knowledge or consent.

As joint data controller, I ask you to confirm

- receipt of the request,
- the date on which the Department has ceased processing, and
- the expected date when processing will cease at the Department, and in third party re-use.

Please contact me via email or phone if you have any questions.

Thank you.

Sincerely,

[Insert full name]

[Title / Contact details]

⁹ Sunday Times story: Betting Firms use Schools Data
<https://defenddigitalme.com/2020/01/comment-on-sunday-times-story-gbg-use-of-national-learner-records/>