

From: Hafeeza Joorawan
Sent: 14 February 2022 17:13
To: [REDACTED]
Cc: Christina Barnes
Subject: RE: URGENT DPIA for daily attendance data collection

Hi [REDACTED]

Thank you for providing this DPIA and associated documentation. Once our DPIA team has had an opportunity to review these I will be in touch.

With kind regards
Hafeeza



Mrs Hafeeza Joorawan
Senior Policy Officer – Relationship Management Service

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
T. 03304146541 F. 01625524510 ico.org.uk twitter.com/iconews
Email Hafeeza.Joorawan@ico.org.uk

I have flexibility in the way that I work, I'm sending this message now because it suits my work hours. I don't expect that you will read, respond to or action this message outside your usual hours.

[REDACTED]

My usual working days are Monday to Thursday.

For information about what we do with personal data see our [privacy notice](#)

Please consider the environment before printing this email

From: [REDACTED]
Sent: 14 February 2022 15:09
To: Natasha Andrews <Natasha.Andrews@ico.org.uk>; [REDACTED]
Hafeeza Joorawan <Hafeeza.Joorawan@ico.org.uk>
Cc: Christina Barnes <Christina.Barnes@ico.org.uk>
Subject: RE: URGENT DPIA for daily attendance data collection

External: This email originated outside the ICO.
Hi Hafeeza,

As agreed is our completed DPIA, security information and our privacy notice.

Kind regards

[REDACTED]

[REDACTED]
[REDACTED]
Data Protection Office

T: [REDACTED] | E: [REDACTED]ukgov.uk/dfe |
@education.gov.uk | fb.com/education.gov.uk



Department
for Education



From: Natasha Andrews <Natasha.Andrews@ico.org.uk>

Sent: 10 February 2022 14:04

To: [REDACTED] Hafeeza Joorawan <Hafeeza.Joorawan@ico.org.uk>

Cc: [REDACTED] Christina Barnes <Christina.Barnes@ico.org.uk>

Subject: RE: URGENT RE: Queries about daily attendance data collection URGENT

Hi [REDACTED]

Thanks for the updates.

In light of this I think we need to understand why the clarification can't go in until Wednesday. If the processing activity was to pause then the risk could be mitigated for the time being.

Kind Regards,

Natasha



Natasha Andrews

Group Manager – Relationship Management Service

Information Commissioner's Office, Wycliffe House, Water Lane,
Wilmslow, Cheshire SK9 5AF

T. 0330 313 1721 F. 0162524510

ico.org.uk twitter.com/iconews

Please consider the environment before printing this email

For information about what we do with personal data see our [privacy notice](#)

From: [REDACTED]

Sent: 10 February 2022 13:51

To: Natasha Andrews <Natasha.Andrews@ico.org.uk>; Hafeeza Joorawan <Hafeeza.Joorawan@ico.org.uk>

Cc: [REDACTED] Christina Barnes <Christina.Barnes@ico.org.uk>

Subject: RE: URGENT RE: Queries about daily attendance data collection URGENT

Importance: High

External: This email originated outside the ICO.
Natasha

We are being told at the moment that it is not really possible to stop the collections, We are getting you a fuller explanation from the Director asap (this will come from Nicky as I will be away from my desk between 1530 - 1700).

I will send an update tomorrow as things firm up and change

Kind Regards

[REDACTED]

[REDACTED]

[REDACTED]

2 Rivergate, Bristol, BS1 6EW | Tel. [REDACTED] Web: www.gov.uk/dfc

From: Natasha Andrews <Natasha.Andrews@ico.org.uk>

Sent: 10 February 2022 12:47

To: [REDACTED] Hafeeza Joorawan <Hafeeza.Joorawan@ico.org.uk>

Cc: [REDACTED] Christina Barnes <Christina.Barnes@ico.org.uk>

Subject: URGENT RE: Queries about daily attendance data collection URGENT

Importance: High

Hi [REDACTED]

Thank you for your call earlier today, please can you confirm the following as a matter of priority:

- All processing of data will be paused until a DPIA has been completed.

- School will not have the ability to sign up to the scheme until a DPIA has been completed.
- The DPIA will be sent to the ICO on Monday 14 February for formal review.
- Clarification on the communications will be issued on Tuesday 15th February.

As I'm not in the office tomorrow I have briefed my Head of Dept. so please respond to all three of us in any responses back.

Kind Regards,

Natasha



Natasha Andrews

Group Manager – Relationship Management Service

Information Commissioner's Office, Wycliffe House, Water Lane,
Wilmslow, Cheshire SK9 5AF

T. 0330 313 1721 F. 0162524510

ico.org.uk twitter.com/iconews

Please consider the environment before printing this email

For information about what we do with personal data see our [privacy notice](#)

From: [REDACTED]
Sent: 10 February 2022 10:32
To: Hafeeza Joorawan <Hafeeza.Joorawan@ico.org.uk>
Cc: [REDACTED] Natasha Andrews
<Natasha.Andrews@ico.org.uk>
Subject: RE: Queries about daily attendance data collection URGENT

External: This email originated outside the ICO.
Hafeeza

I am just checking all details with the Project Manager

We have 10,000 schools signed up and the data collections started in batches yesterday [8th February] and I have confirmed the comms scheduled in another email

[REDACTED]
[REDACTED]
2 Rivergate, Bristol, BS1 6EW | Tel. [REDACTED] Web: www.gov.uk/dfe

From: Hafeeza Joorawan <Hafeeza.Joorawan@ico.org.uk>
Sent: 10 February 2022 10:15

To: [REDACTED]
Subject: RE: Queries about daily attendance data collection URGENT

Thanks [REDACTED] – could I also check where was this comms published?



Mrs Hafeeza Joorawan
Senior Policy Officer – Relationship Management Service

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
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Email Hafeeza.Joorawan@ico.org.uk

I have flexibility in the way that I work, I'm sending this message now because it suits my work hours. I don't expect that you will read, respond to or action this message outside your usual hours.

[REDACTED]

My usual working days are Monday to Thursday.

For information about what we do with personal data see our [privacy notice](#)

Please consider the environment before printing this email

From: [REDACTED]
Sent: 10 February 2022 10:13
To: Hafeeza Joorawan <Hafeeza.Joorawan@ico.org.uk>; [REDACTED]
Cc: Natasha Andrews <Natasha.Andrews@ico.org.uk>
Subject: RE: Queries about daily attendance data collection URGENT

External: This email originated outside the ICO.

I am just waiting for the team to come back to me – my last understanding is that no it hadn't but will send you the latest timetable as soon as possible

[REDACTED]

[REDACTED]

[REDACTED]

2 Rivergate, Bristol, BS1 6EW | Tel. [REDACTED] Web: www.gov.uk/dfe

From: Hafeeza Joorawan <Hafeeza.Joorawan@ico.org.uk>
Sent: 10 February 2022 10:10
To: [REDACTED]
Cc: Natasha Andrews <Natasha.Andrews@ico.org.uk>
Subject: RE: Queries about daily attendance data collection URGENT

Hi [REDACTED]

Thank you for confirming the escalation process.

Has the data collection already commenced?

Regards
Hafeeza



Mrs Hafeeza Joorawan
Senior Policy Officer – Relationship Management Service

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow,
Cheshire SK9 5AF
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Email Hafeeza.Joorawan@ico.org.uk

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[REDACTED]

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For information about what we do with personal data see our [privacy notice](#)

Please consider the environment before printing this email

From: [REDACTED]
Sent: 10 February 2022 10:06
To: Hafeeza Joorawan <Hafeeza.Joorawan@ico.org.uk>; [REDACTED]
[REDACTED]
Cc: Natasha Andrews <Natasha.Andrews@ico.org.uk>
Subject: RE: Queries about daily attendance data collection URGENT

External: This email originated outside the ICO.
Hi Hafeeza

With regard to the official escalation, [REDACTED] reported it to me as [REDACTED] responsible for the area and I have launched an investigation into what happened and why the specific wording provided by my team has not been used.

I will then report into the director and due to the reputational damage and the high profile of the case, we will then submit a report to the Permanent Secretary.

We will then conduct a lessons learnt and Neil will remind all his teams that they must use cleared wording and phrases from colleagues when provided.

In this case we are escalating the need for wider comms to address including a Webinar.

[REDACTED]
[REDACTED]

From: Hafeeza Joorawan <Hafeeza.Joorawan@ico.org.uk>
Sent: 10 February 2022 09:57
To: [REDACTED]
Cc: Natasha Andrews <Natasha.Andrews@ico.org.uk>
Subject: RE: Queries about daily attendance data collection URGENT
Importance: High

Hi [REDACTED]

Following our earlier meeting I have now had a chance to catch up with Natasha (copied in here). Unfortunately, I have not managed to reach you by phone so am sending you this email.

Please could you confirm:

- (1) Has the daily attendance data collection already started to be collected from schools and MATs via the new process using Wonde?
- (2) Where there is an inaccuracy in a DfE publication (like in this case) what is your escalation process?

If you could get back to me asap that would be appreciated.

Many thanks
Hafeeza



Mrs Hafeeza Joorawan
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Email Hafeeza.Joorawan@ico.org.uk

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[REDACTED]

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Please consider the environment before printing this email

From: Hafeeza Joorawan
Sent: 09 February 2022 14:49

To: [REDACTED]
[REDACTED]

Subject: RE: Queries about daily attendance data collection

Thanks very much [REDACTED]

Regards
Hafeeza



Mrs Hafeeza Joorawan
Senior Policy Officer – Relationship Management Service

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

T. 03304146541 F. 01625524510 ico.org.uk twitter.com/iconews

Email Hafeeza.Joorawan@ico.org.uk

I have flexibility in the way that I work, I'm sending this message now because it suits my work hours. I don't expect that you will read, respond to or action this message outside your usual hours.

[REDACTED]

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Please consider the environment before printing this email

From: [REDACTED]

Sent: 09 February 2022 14:31

To: Hafeeza Joorawan <Hafeeza.Joorawan@ico.org.uk>; [REDACTED]

Subject: RE: Queries about daily attendance data collection

External: This email originated outside the ICO.

Hi Hafeeza,

Sorry, I didn't get to see the wording on the comms before it was sent and didn't know they were saying this. I have a meeting with the team now so will ask for the change.

[REDACTED]

[REDACTED]
[REDACTED]
Data Protection Office

T: [REDACTED] | E: [REDACTED]@education.gov.uk | ukgov.uk/dfe |
@education.gov.uk | fb.com/education.gov.uk



Department
for Education



From: Hafeeza Joorawan <Hafeeza.Joorawan@ico.org.uk>

Sent: 09 February 2022 13:01

To: [REDACTED]
[REDACTED]

Subject: RE: Queries about daily attendance data collection

Hi [REDACTED]

As the ICO has not yet seen the DPIA, would it be possible to remove the highlighted sentence below to avoid any misunderstandings?

Many thanks
Hafeeza



Mrs Hafeeza Joorawan
Senior Policy Officer – Relationship Management Service

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow,
Cheshire SK9 5AF
T. 03304146541 F. 01625524510 ico.org.uk twitter.com/iconews
Email Hafeeza.Joorawan@ico.org.uk

I have flexibility in the way that I work, I'm sending this message now because it suits my work hours. I don't expect that you will read, respond to or action this message outside your usual hours.

[REDACTED]

My usual working days are Monday to Thursday.

For information about what we do with personal data see our [privacy notice](#)

Please consider the environment before printing this email

From: [REDACTED]
Sent: 09 February 2022 11:58
To: Hafeeza Joorawan <Hafeeza.Joorawan@ico.org.uk>; [REDACTED]
Subject: RE: Queries about daily attendance data collection

External: This email originated outside the ICO.
Hi Hafeeza,

We also received this email and are drafting our response. I have sent you the latest comms and the link to the additional comms that were sent on Tuesday. I will check when the and privacy notice will be uploaded to the google drive. I will update you tomorrow on the questions in your email.

An update on the automated attendance data trial

Thank you to the 10,000 schools that have so far agreed to share their attendance data as part of the automated attendance data trial. Schools that normally complete the school census are encouraged to participate in the trial. To take part please accept the request to share data with DfE in your Wonde secure portal.

We have been working closely with the Information Commissioner's Office (ICO) on our data protection impact assessment (DPIA). We intend to publish the DPIA and related privacy notices shortly and we will be share them with you at that point.

Further information on the trial can be found in the [Q&A](#). If you have any further questions, you can [contact Wonde Support](#) by email.

Looking forward to talking tomorrow.

Kind regards
[REDACTED]

[REDACTED]
[REDACTED]
Data Protection Office

T: [REDACTED] | E: [REDACTED]ukgov.uk/dfe |
@education.gov.uk | fb.com/education.gov.uk



Department
for Education



From: Hafeeza Joorawan <Hafeeza.Joorawan@ico.org.uk>

Sent: 09 February 2022 11:23

To: [REDACTED]

Subject: Queries about daily attendance data collection

Importance: High

Hi [REDACTED]

I have attached a copy of an email addressed to both the ICO and Wonde from a DPO [REDACTED] (You may have already received this, as Wonde may have forwarded this to you). The three outcomes being sought need to be addressed by the DfE and therefore we will inform the [REDACTED] DPO that we have passed this onto to you for your consideration.

Additionally, we have had further enquiries, one where a parent has refused for their child's data to be used as they state that Wonde is not a safe processor, another similar one where the school is saying that it will process under public task but again parents are wanting to withhold their child's data due to security concerns, the other enquiry related to the collection of data for the DfE, privacy information and updating a PN.

It would be helpful if you could:

- (1) let me know how the query from the [REDACTED] DPO will be managed (providing a copy of the response); and
- (2) specify a date when the DPIA and associated documentation for this scheme will be finalised and published.

We will probably discuss this on Thursday but thought I'd flag ahead of our meeting.

With kind regards.
Hafeeza



Mrs Hafeeza Joorawan
Senior Policy Officer – Relationship Management Service

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
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Email Hafeeza.Joorawan@ico.org.uk

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My usual working days are Monday to Thursday.

For information about what we do with personal data see our [privacy notice](#)

Please consider the environment before printing this email



Letter of Attestation

Wonde API Cyber-Security Testing

03 February 2022



Wonde Limited,
Furlong House,
2 Kings Court,
Newmarket,
CB8 7SG

CovertSwarm Limited,
International House,
Holborn Viaduct,
London,
EC1A 2BN

Thursday, 3 February 2022

Executive Summary

During the months of May 2021 and December 2021, CovertSwarm performed two cybersecurity assessments against two of the APIs provided by Wonde Limited. These being the Sync API and the Wonde API.

CovertSwarm's testing methodology included both an unauthenticated and authenticated assessment of the APIs, aligning with the OWASP application testing guides. The infrastructure and network endpoints were assessed from a closed-book perspective.

The purpose of these engagements was as follows:

- Identify vulnerabilities/weaknesses that could lead to the compromise of Wonde's systems or end-user data
- Assess the API for business logic implementation and authorisation control weaknesses that could allow unauthorised access to data
- Exploit any identified weaknesses to demonstrate the potential impact and understand the inherent risk to Wonde
- Provide recommendations and remediation guidance to resolve any and all vulnerabilities that were discovered

Conclusion

Sync API

CovertSwarm highlighted three low severity issues which were raised as a result of the assessment against the Sync API which took place on May 17th, 2021. Of these issues, one pertained to an outdated version of PHP, though there were exploits associated with the identified library, none of these were relevant to the context of the application of the library at the time of testing. Another issue was related to the potential for cross-site scripting issues to be possible under very specific circumstances on third-party applications making use of the API. The final issue noted was a potential method for bypassing CloudFront protections via manipulation of request headers.

In conclusion, CovertSwarm found no vulnerabilities that would cause an impact to the confidentiality, integrity, or availability of the data held by Wonde, Wonde's systems and services, or the end-users for the Wonde application suites if exploited.

Wonde API

CovertSwarm highlighted four low severity issues which were raised as a result of the assessment against the Wonde API which took place on December 6th, 2021. None of these issues presented a significant threat and were considered non-issues. Two of the issues raised were intentional additions to the API for specific purposes such as allowing access to the API as a service. Along with these it was noted that there were a number of outdated libraries included within the code controlling the API; however, these libraries were found not to be in use and were subsequently removed from the code following the assessment. One other issue noted was also considered a non-issue as it was related to a setting only found within the testing environment and was not found to be present in the live version of the API.

In conclusion, CovertSwarm found no vulnerabilities that would cause an impact to the confidentiality, integrity, or availability of the data held by Wonde, Wonde's systems and services, or the end-users for the Wonde application suites if exploited.

Privacy Notice for school's attendance data collection

Who we are

This work is being carried out by the Data Directorate which is a part of the Department for Education (DfE). For the purpose of data protection legislation, DfE is the data controller for the personal data processed as part of school's attendance data collection.

How we will use your information

This attendance information is collected from the daily attendance registration records schools are required to collect. This is not new information being collected this is information that schools already collect but we are changing how often and how we collect it.

DfE have always collected this information once a term but now we are collecting it daily to give us a better understanding of attendance within schools. This information collection will help schools, Local Authority, Multi Academy Trust and DfE to look at why children are absent and how we can support children quicker and ensure children are protected from harm.

How we collect your child's/your information

We will collect pupil level attendance data daily using the services of a company working for us under contract called Wonde. This information on your child's/your attendance will be taken from your child's/your school Management Information System. This will be collected from the secure hub holding this information and transferred securely to a secure hub in DfE.

Schools that have agreed to take part will share their daily attendance information with us in a safe secure way via a hub to hub transfer. Wonde will only take the daily attendance information that DfE have said they need to take and give it safely and securely to DfE. They will not use this information for anything else.

What information about your child/you will we use?

The information we will be using about your child/you is:

For all pupils:

Full Name	Date of Birth	Unique Pupil Number
Gender	Ethnicity	NC Year Group

For pupils who are classed as vulnerable:

Looked after Child	Previously Looked After	SEN Support
Free School Meals	Education Health and Care Plan	

Attendance codes:

All attendance codes and sub codes as published by the DfE

Why can we use your child's/your information?

To be able to use this information we have to make sure we meet requirements in data protection legislation. Under the UK General Data Protection Regulation (UKGDPR), the lawful bases we rely on for using this information is:

This means we must show we meet at least one relevant "condition" to be able to use the information. For our use of your child's/your attendance information, we are doing this as part of work as a government department and the relevant conditions are:

- Article 6(1)(e) we need to perform a public task – DfE has a responsibility to oversee the delivery of education, to make it as easy as possible for children to access education and to safeguard children.

and

- Article 9(2)(g) it is necessary for reasons of substantial public interest - including in reducing absence, how we can support children to stay in school and factors that may be affecting attendance.

Who we will share your child's/your information with

As part of how we use your child's/your information we will share this with Wonde who are working for us to get the information from your school.

When we have looked at your child's/your information we will share this in a safe and secure way back with: Child level data will be shared with

- Their/your school they/you go to
- The Local Authority or Multi Academy Trust responsible for the school

We will do this to help them offer support quicker if needed to help children stay in school.

We will only share information where the law allows us to and it is safe and secure to do so.

We may also share information with other government departments and researchers to help in the work they do, but when we do this we will make sure that it does not identify your child/you.

How long will we keep your child's/your information?

We will only keep your child's/your information as part of our school's attendance data collection for as long as necessary, in this case for 66 years. The law allows us to do this as long as we check every year to make sure we still need to keep this attendance information. When we decide we no longer need this information we will securely destroy it.

There are circumstances where we may need to keep your information indefinitely for research and statistical purposes. We have measures to safeguard this information.

See the attached questions and answers for parents/children to help you understand what information is being used and why we are doing this.

Your data protection rights

More information about how the DfE handles personal information is published here:

<https://www.gov.uk/government/organisations/department-for-education/about/personal-information-charter>

Under the Data Protection Act 2018, you are entitled to ask if we hold information relating to you and ask for a copy, by making a 'subject access request'.

For further information and how to request your data, please use the '[contact form](#)' in the Personal Information Charter at

<https://www.gov.uk/government/organisations/department-for-education/about/personal-information-charter>

under the 'How to find out what personal information we hold about you' section.

If you need to contact us regarding any of the above, please do so via the DfE site at: <https://www.gov.uk/contact-dfe>.

Further information about your data protection rights appears on the Information Commissioner's website at:

[Individual rights | ICO](#).

Contact Info:

If you have any questions about how your personal information will be used, please contact us at <https://www.gov.uk/contact-dfe> and enter School's attendance data collection as a reference. For the Data Protection Officer (DPO) please contact us via [gov.uk](https://www.gov.uk) and mark it for the attention of the 'DPO'.

We will review this privacy notice at the end of March 2022. This version was last updated February 2022.



Department
for Education

**Strategic Data Collection Data Protection Impact Assessment – Part 2
Version 1.0**

<February 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	Strategic Data Collection
Initiative or Project Manager's Name:	[REDACTED]
Initiative or Project Manager's Email Address:	[REDACTED]
Senior Responsible Owner's (SRO) Name: This is the senior person responsible for this initiative	[REDACTED]
Senior Responsible Owner's (SRO) Email Address: This is the senior person responsible for this initiative	[REDACTED]
Name of person completing the form	[REDACTED]
Email address of the person completing the form	[REDACTED]
What date does your initiative "go live"	07 February 2022

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.

In July 2020, The Children's Commission published a report detailing that 120,000 teenagers (1 in 25) were at risk at falling through the gaps of education and social care (Source - [Coronavirus crisis could see a lost generation of vulnerable teenagers falling through gaps in the school and social care systems | Children's Commissioner for England \(childrenscommissioner.gov.uk\)](#))

At present The Department for Education only records attendance on a termly basis and this does not give enough data for the department to make timely interventions to support vulnerable children such as those outlined in the report.

Synopsis of Programme

To inform operational and policy decisions throughout the pandemic we needed to understand attendance on a more frequent basis, resulting in the move to daily collections in March 2020. This was a major change for the sector and required the development of a bespoke, manual, voluntary data collection known as the Educational Settings (EDSET) form.

This new daily functionality has proved invaluable, with the data provided helping to shape the government's response to the pandemic and offering new insights into the attendance pattern of pupils.

The use of daily attendance data during the pandemic has shown that there is an opportunity to improve data flows between DfE and schools, LA's and MAT's and open the way to more timely data being collected.

As we move into Covid Recovery work it is vital that children attend school and continue their learning to achieve the best possible outcomes they can. The Children's Commissioner, Ofsted and Office for Health Improvement and Disparities all raise concerns about the disproportionate impact COVID has on vulnerable children, including mental health and the increased risks of self-harm. See links:

- [Education recovery in schools: autumn 2021 - GOV.UK \(www.gov.uk\)](#)
- [4. Children and young people - GOV.UK \(www.gov.uk\)](#)
- [Damage to children's mental health caused by Covid crisis could last for years without a large-scale increase for children's mental health services | Children's Commissioner for England \(childrenscommissioner.gov.uk\)](#)

Applying the lessons learnt from the pandemic has informed our approach to automating the collection of attendance data daily. Schools/MATs are dealing with unprecedented challenges, we don't know what the long-term impacts of the COVID pandemic are on children's education and wellbeing/mental health. We do know termly, or even weekly absence data collection will not enable the level of analysis required to support schools/MATs

in taking early action, identifying trends and issues requiring immediate action and support children in their care.

To be able to collect daily attendance data we have procured Wonde who will ask schools to agree to share their daily attendance data with DfE. Once agreement is given the school does not have to take any further action, Wonde will connect to their management information system on a daily basis, extract the data and share it with DfE.

This change of frequency and method of collection does not require schools/MATs to do anything in addition to their current data collection method.

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.

Demographics

Surname, forename, Date of Birth, sex, ethnicity,
 Unique pupil number, school unique reference number, local authority code
 All attendance codes as published on Gov.UK [Attendance Guidance](#)

Vulnerable Child Indicators

Child looked after, child previously looked after, SEN support, education health and care plan, free school meals including FSM6, pupil premium

Child in Need & Child Protection (not in first phase)

2a Lawful basis for processing personal data. Detail on what lawful basis you are processing personal data:	Put "X" next to all that apply.
Consent (Article 6 (1)(a)) - the individual has given clear consent for organisation to process their individual data for a specific purpose <i>If relying on consent, a valid consent form is required.</i>	
Contract (Article 6 (1)(b)) - the processing is necessary for a contract the organisation has with the individual, or because the individual has asked the organisation to take specific steps before entering into a contract. Copy of contract required, check it has standard GDPR clauses and covers retention.	
Legal obligation (Article 6 (1)(c)) - the processing is necessary for the organisation to comply with the law (not including contractual obligations)	
Vital interests (Article 6 (1)(d)) - the processing is necessary to protect someone's life	
Public task (Article 6 (1)(e)) - the processing is necessary for the organisation to perform a task in the public interest or for the organisation's official functions, <u>and</u> the task or function has a clear basis in law. <i>(If relying on this condition, confirm the specific legislation that allows for this legal base and ensure this allows us to do what we want to do.)</i>	X
Legitimate interests (Article 6 (1)(f)) - the processing is necessary for the organisation's legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's individual data that overrides those legitimate interests. <i>(If relying on this condition, details required on what the legitimate interest is, how the project described in the brief purpose meets the legitimate interest and how the project balances the legitimate interest against the data protection rights of individuals)</i>	

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.

We are using a data processor (Wonde). Wonde will be working under the terms of a DfE contract to collect attendance data from the school Management Information System and securely transfer it to DfE daily. This collection is done using a standard interface that allows pupil level data to be shared securely. Under the contract Wonde can only collect the data that DfE has said they can collect, and they can only transfer it to DfE in the agreed way.

- Wonde already have established working relationships with schools and MATs and are trusted by 19,204 schools to process pupil data as the schools contracted data processor. Using a secure portal Wonde ask the school to give agreement to share their data with DfE for the new daily frequency and via this new means. The process is quick and simple, all schools need to do is click 'yes' if they want to give agreement. This is a one-off process, once the school agrees to share data in this way it will be automatically extracted from their Management Information System and sent to DfE each day. Schools can revoke agreement at any time should they wish to do so.

This is not a new data collection. The data Wonde will extract under the terms of the contract with DfE is already processed by DfE through the termly school census which schools have a statutory obligation to complete. This collection is changing the frequency (to daily from termly) and the method from using our COLLECT data base to the data being extracted with the school's agreement by Wonde from their Management Information System.

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.

How will the data be collected?

The data fields to be collected are recorded in the school management information systems (MIS). Wonde ask schools via a secure portal to give agreement for the to share their data

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.

with the DfE. Once this agreement is received Wonde can connect to the MIS to extract the data as set out in the spec (detailed above).

Wonde will transfer this data to us daily. It is important to note that we are not collecting any new data, this reflects the school census. The change is to the frequency which will daily compared to termly publishing as part of census.



The technical detail for this is as follows: Data will be collected from the 3rd Party Aggregator via their API interface and landed in the Data Directorates Transient Zone, where it will be scanned for vulnerabilities before being made available for use.

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)

Personal data which includes the special category data being collected on pupils may become available to organisations outside DfE, Schools, LAs and MATs This could result in a loss of trust and reputational impacts if this were to happen. If the data is lost or altered this could impact on DfE's ability to perform our duties as it could distort results for analysis/research. Within DfE, data is stored and processed within Microsoft Azure cloud hosting which is based in the Republic of Ireland and the Netherlands. The Department's 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.

The Department has robust safeguards and controls in place to ensure this data, as with all our data, is handled securely and in accordance with relevant data protection regulations. This data will be allocated an information asset owner who will be responsible for controlling access to the data to only those with a justified and legal need to access the data and will be responsible for completing ongoing periodic reviews to ensure that the data will be retained for no longer than is necessary for the purposes for which the data was originally collected. DfE has received the required Offshoring Approval for using Microsoft Azure.

We have worked with our DfE lead security information officer to ensure security colleagues were satisfied that the requirements of Article 32 were met, and this includes the secure hub used by Wonde. Security colleagues confirmed this before we signed the contract.

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)

All access to the data will be authenticated via an Identity and Access Management solution (controlled by DfE). Authorisation to see data will be controlled via role-based access rules.

6. List any organisation other than DfE that will be involved in processing the personal data.

In each case explain:

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

Attach data flow diagrams if necessary.

Schools/MAT's are the Data Controller for the initial data collection as required in law for the School Census Data Collection..

DfE becomes the data controller at the point they receive the data collection via the secure hub.

Wonde is acting as DfE's data processor in accordance with the terms of the contract with DfE. All data collected is stored in Wonde's secure hub.

Wonde has satisfied the terms of our contract with regard to our security requirements

MATs as the accountable body and data controller for academy schools for the initial data collection as required in law until they transfer it to DfE.

LAs as the accountable body (and data controller) for maintained schools and all children living within their boundary (or placed in care out of Authority) for safeguarding purposes

No data will be collected without the agreement from the school in compliance with the data fields outline above (detailed in the contract)

DfE access will be managed through tokens from Wonde. The token provides access permission for DfE to data held by Wonde. It is generated in Wonde's secure portal. The token contains a code that DfE use when retrieving data from Wonde. These access tokens

6. List any organisation other than DfE that will be involved in processing the personal data.

In each case explain:

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

Attach data flow diagrams if necessary.

will be tightly managed and keys need to be changed on a periodic basis (3 months) OR when someone in an operations/support leaves who has had direct access to the token information.

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.

66 years – Due to the unprecedented challenges schools/MATs and children are facing data will need to be kept to enable long term analysis to be conducted. COVID will have a long-term impact on the education of children, we will need to be able to monitor the impact throughout their school life and into employment. The expectations of the job market and working patterns have changed as a result of COVID, we will need to understand the relationship between education and earnings as a result of these changes.

The effects of COVID and long COVID are as yet unknown and will need to be kept under review.

Reviews will be conducted annually to ensure the data remains necessary for our purposes. Data that is deemed unnecessary will be destroyed or archived as appropriate. All archived data will be anonymised so it can no longer be linked to an identifiable person. If archived periodic reviews will be carried and the data disposed of when it is deemed unnecessary to hold. As part of the review, we will consider whether data can be anonymised. The data will be refreshed (as it changes in the source system) daily.

All deletions will be managed by the Data Controller (Schools) at source in their MIS system. The only deletions DfE will need to make is for any records which have been identified as incorrect, these will be reviewed upon receipt of notification and deleted as required.

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.

Where it been decided that the data is no longer required and can be deleted/destroyed, the data will be destroyed in line with DfE practices employing a process of “secure sanitisation”, required under “Information Assurance Standard No. 5 - Secure Sanitisation” (“IS5”) issued by the former National Technical Authority for Information Assurance (CESG), now National Cyber Security Centre (NCSC).

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

Wonde stores school data within Amazon Web Services data centre in Ireland. This ensures data is stored in EEA and can be freely transferred between Ireland and the UK under the current UK/EU GDPR adequacy decision.

This has been reviewed by Neil McIvor, Chief Data Officer as part of the off shoring approval process and approval has been given.

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.

Not applicable

About necessity, proportionality, lawfulness and data quality

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

What are the benefits of this?

Schools, Local Authorities, Multi Academy Trusts and DfE will have more timely data:

- allowing for earlier trend analysis and indication of issues enabling significantly speedier interventions
- better supporting safeguarding actions protection children from harm
- Reduce persistent absence, identify trends, better able to support vulnerable children including children with caring responsibilities
- Inform any support and interventions a child needs to enable them to be in school and help them achieve the best possible outcomes they can
- inform operational and strategic decision making
- Support budgetary/funding decisions by identifying where money needs to be spent, including where MATs need to prioritise their spend.
- Able to identify trends where investment may be needed.

We have plans in place to work with the sector to play this data back to them to facilitate a better understanding amongst schools, MATs and LAs of their own performance at pupil level, and compare with the sector. This will inform any necessary improvement plans and more timely interventions. This will be done using View your Education Data (VYED) which will present the data in a report using Microsoft Power BI. We have chosen to use VYED because it is a reporting mechanism already in use that schools, LAs and MATs can have secure access to their data. We have chosen to use VYED as it is a tool already used by the sector and uses Power BI to report and visualise the data.

We will start receiving the data from our contractor Wonde on or just after the 7th February 2022. We aim to start sharing this back to the sector from April. Before we are able to share we will be carrying out data validation checks to ensure strong data quality.

Reporting back to the sector using VYED will give:

- Schools the ability to view all their pupil level data.
- MATs will have the ability to view the data of all participating schools they are responsible_for
- LAs will have the ability to view the data for all pupils living in their area.
- All users will have access to aggregated data for comparator purposes

This is an improvement to reporting of this data currently, which is only published termly following school census. We are collecting the same data fields as the school Census, and

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

simply increasing the frequency of the data availability and automating how it is collected. This will enable schools, Local Authorities, Multi Academy Trusts and DfE to make more timely decisions based on up to date data, supporting early identification of risks/issues and support a pupil may need to improve their attendance at school.

We want to share data back with the sector and by doing so gradually reduce manual data collection burdens and better support operational planning.

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.

The data fields proposed are already collected as part of the school census, we are not collecting any new data fields. We are collecting the minimum needed to understand persistent absence and to safeguard children.

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

Once the data has been retrieved it is placed into a secure area where all the data is scanned for vulnerabilities. This secure area is called the Transient Zone and once all files have been scanned the data will be available for the use.

13. Specify the <u>Lawful basis for processing special categories of data</u>	Tick when complete
Explicit consent (Article 9(2)(a)) - the data subject has given explicit consent to the processing of those individual data for one or more specified purposes. <i>If relying on consent, details required to confirm valid consent, require a copy of the consent form.</i>	
Necessary for obligations under employment, social security, social protection law (Article 9(2)(b)) - processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law	
Vital interests (Article 9(2)(c)) - processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent	
Processing by a not for profit body with political/philosophical/religious/trade union aim (Article 9(2)(d)) - processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the individual data are not disclosed outside that body without the consent of the data subjects	
Data made data public by subject (Article 9(2)(e)) - processing relates to individual data which are manifestly made public by the data subject	
Necessary for judicial reasons (Article 9(2)(f)) - processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity	
Substantial Public interest based in law (Article 9(2)(g)) - processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject	X
Processing for healthcare reasons (Article 9(2)(h)) - processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law or pursuant to contract with a health professional	

<p>Processing necessary for public health reasons (Article 9(2)(i)) - processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices, on the basis of Union or Member State law which provides for suitable and specific measures to safeguard the rights and freedoms of the data subject, in particular professional secrecy</p>	
<p>Necessary for archiving, scientific, historical research or statistical purposes (Article 9(2)(j)) - processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes based on law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject</p>	
<p><i>As required by <u>section 10 of the DPA</u>, the processing meets the requirement in <u>point (b), (h), (i) or (j) of Article 9(2) of the GDPR</u> for authorisation by, or a basis in, the law of the United Kingdom or a part of the United Kingdom only if it meets a condition in Part 1 of Schedule 1.</i></p> <p><i>If relying on (b), (h), (i) or (j) of Article 9(2) of the GDPR, identify which condition in <u>DPA 2018 Schedule 1, Part 1</u> is met.</i></p>	

The impact on individuals and their rights

14. Describe the effect the initiative is intended to have on individuals.

This improved frequency and collection method is expected to benefit data subjects as we will be able to identify concerns about pupils' attendance quicker and therefore offer support and solutions quicker. It will help with safeguarding.

There are no blockers in terms of data subjects being able to exercise their rights in Data Protection Legislation. If a data subject request is received the DfE will consider them on a case by case basis and will respond guided by the law on whether rights are granted or not.

No negative effects are expected.

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.

Data subjects and their parents in many cases will be informed about this processing via specific DfE privacy notices, supported by Questions and Answers on the new process and the data protection concerns they may have. We are planning a series of webinars for schools and a video to make it easier for schools, children, parents and carers to understand how data will be used.

Schools will be updating their privacy notices to explain that they will be sharing this data with DfE and what the purpose is. DfE will be assisting in this by providing templates that schools may wish to use.

To assist schools with their accountability, DfE will provide regular (Bi-Annual/Termly updates to the programme including an updated DPIA and list of data shares).

DfE have created specific communications and Questions and Answers on the new process and data protection potential concerns for the sector to outline. This will enable them to understand the impact of the changes and decide whether to agree and be able to explain to parents/carers and children what the benefits are if asked.

DfE will develop a video and cartoon to be available in May 2022 for parents to explain this daily data collection. From September 2022 we will issue a letter for all parents via schools to explain what child data DfE collects and processes for what purpose. In October 2022 we will develop an information pack for all prospective parents applying to schools this will explain how DfE will collect and process their child's data.

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

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

The data is processed under Public Task and therefore Data Subjects do not have the right to erasure or the right to portability.

They can ask the data to be rectified or completed if it's wrong,

It is a statutory requirement for schools to provide the data outlined above to the DfE. If any errors in the data are identified the data subject can ask for the data to be rectified by contacting the school or by contacting DfE Data Protection Team

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

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

The data subject also has the right to object, data subjects can exercise this right by contacting the DfE Data Protection Team.

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.

We have not consulted individuals DfE already collect attendance information about pupils from schools via the school census data collection. We have developed a specific privacy notice for parents/children to explain why we are changing the frequency and method of collection, we are asking schools to make this available to parents via their websites and it has been made available to schools via DfE communications in our google drive for schools and MAT, It is published on Wonde's secure hub..

Legislation

- School Census Collection - section 537A Education Act 1996 and the regulations made under that power – such as the Education (Information About Individual Pupils) (England) Regulations 2013
- Requirement for schools to record attendance data: section 537A and section 434 Education Act 1996 – and regulations made under those powers including the Education (Pupil Registration) (England) Regulations 2006 and the 2013 regs referred to above
- Legal duty for a parent to ensure their child is in school:
The primary duty is section 7 Education Act 1996.

We have not consulted with the data subjects as this is not a new data collection, we have engaged with the sector as follows:

Star Chamber (External Scrutiny Board) – general support given, offered to help shape the solution by way of a user group and receive updates on progress and next steps.

Conversations with the Local Government Association (LGA) Association of Directors of Children's Services (ADCS) Trade Unions (TU's) Local Authorities (LAs) Multi Academy Trusts

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.

(MATs) – supportive of the proposition, made it clear we need to communicate the value to the sector and that this must not place additional administrative burdens on schools. Best practice shared along with potential uses for the data

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

We have an established SAR process as highlighted in the privacy notice, this can be accessed via the link in the privacy notice. See below:

For further information and how to request your data, please use the '[contact form](https://www.gov.uk/government/organisations/department-for-education/about/personal-information-charter)' in the Personal Information Charter at <https://www.gov.uk/government/organisations/department-for-education/about/personal-information-charter> under the 'How to find out what personal information we hold about you' section.

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.

They can ask the data to be rectified or completed if it's wrong

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.

NA

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.

DfE has a process in place to comply with this right via our standard “contact” process via DfE Contact us as highlighted in our privacy notice, details copied below:

If you have any questions about how your personal information will be used, please contact us at <https://www.gov.uk/contact-dfe> and enter School’s attendance data collection as a reference.

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

NO

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

No automatic profiling

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

NO

Section 2: Identification, assessment and mitigation of risks

Describe the source of the risk	Describe the nature of potential impact on individuals.	Impact 1=Very Low 5 = Very High	Likelihood 1=Very Low 5 = Very High	Overall Risk Impact x Likelihood	Mitigation	Residual Risk 1=Very Low 5 = Very High
Data subjects not aware that their personal data is being shared in this way.	Parents may have concern about what their child's pupil level data will be used for	2	1	2	This data is collected through the termly school census now. The change is the frequency and method in which the data is transferred to the DfE. No pupil level data will be shared other than with the school and relevant LA or MAT Data transfer and storage is secure and compliant with DfE requirements for Data Protection and GDPR	1
Data could be lost or shared in error with third parties as part of the sharing back to schools, Local Authorities and Multi Academy Trusts	Personal data on individuals might become available to organisations outside the DfE / schools, Local Authorities and Multi Academy Trusts	2	1	2	Data transfer and storage is secure and compliant with DfE requirements for Data Protection and GDPR Rule based permissions will be in place using the VYED platform	1
Data could be processed or retained for longer than is necessary	This may expose the department to challenge	2	1	2	Regular reviews will be in place to determine if data should still be processed or retained can be disposed of Data is securely destroyed in line with agreed retention schedules.	1

Section 3: Sign off and outcomes

Sign off	Name and date
<p>Reflect actions in project plan, with date and responsibility for completion.</p> <p>Measures approved by:</p>	<p>██████████ – working with Programme Team</p> <p>14th February 2022</p>
<p>If accepting any residual high risk (a score of 15 or more), the DPO must consult the Information Commissioner before going ahead.</p> <p>Residual risks approved by:</p>	<p>██████████</p> <p>14th February 2022</p>
<p>The Data Protection Assurance Team will advise on compliance, and risk mitigation options.</p> <p>Data Protection Assurance Team advice provided by:</p>	<p>██████████</p>

<p>Summary of Data Protection Assurance Team advice:</p> <p>Due to the high profile nature of this programme – escalated to DPO and Deputy DPO</p>
--

DPO to be consulted: Yes
Date consulted: Latest consultation – 14 th February 2022
<p>DPO comments:</p> <p>I am content that there is a valid need for this processing and the benefits out way the risks. However due to the high profile nature and the volume of collection, I confirm that will be escalating this to the ICO for their comments and insight.</p>

DPIA to be kept under review: Yes	Review date: 15 th March 2022
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From: [REDACTED]
Sent: 17 February 2022 14:01
To: Hafeeza Joorawan; [REDACTED] Natasha Andrews
Cc: Christina Barnes
Subject: RE: URGENT DPIA for daily attendance data collection

External: This email originated outside the ICO.
Hi Hafeeza,

Emma is on leave today. I am speaking to the project team at 2pm I will update you following this.

Kind Regards

[REDACTED]


Department
for Education
[REDACTED] | Office of the Data Protection
Officer
[REDACTED] tel [REDACTED]
gov.uk/dfes | [@education.gov.uk](https://twitter.com/education.gov.uk) | [fb.com/education.gov.uk](https://www.facebook.com/education.gov.uk)

From: Hafeeza Joorawan <Hafeeza.Joorawan@ico.org.uk>
Sent: 17 February 2022 12:00
To: [REDACTED]
Natasha Andrews <Natasha.Andrews@ico.org.uk>
Cc: Christina Barnes <Christina.Barnes@ico.org.uk>
Subject: RE: URGENT DPIA for daily attendance data collection

Hi [REDACTED]

Could I just check whether the DPIA is only accessible schools/MATs rather than being on the .Gov website and publicly available?

Do you have copy of the comms?

Thanks
Hafeeza



Mrs Hafeeza Joorawan
Senior Policy Officer – Relationship Management Service

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
T. 03304146541 F. 01625524510 ico.org.uk twitter.com/iconews
Email Hafeeza.Joorawan@ico.org.uk

I have flexibility in the way that I work, I'm sending this message now because it suits my work hours. I don't expect that you will read, respond to or action this message outside your usual hours.

[REDACTED]

My usual working days are Monday to Thursday.

For information about what we do with personal data see our [privacy notice](#)

Please consider the environment before printing this email

From: [REDACTED]

Sent: 15 February 2022 15:42

To: Hafeeza Joorawan <Hafeeza.Joorawan@ico.org.uk>; [REDACTED]

[REDACTED]

Natasha Andrews <Natasha.Andrews@ico.org.uk>

Cc: Christina Barnes <Christina.Barnes@ico.org.uk>

Subject: RE: URGENT DPIA for daily attendance data collection

External: This email originated outside the ICO.

Hi Hafeeza

The DPIA is now live - [REDACTED]

I will send you the email comms when I have them

[REDACTED]

[REDACTED]

[REDACTED]

2 Rivergate, Bristol, BS1 6EW | Tel. [REDACTED] Web: www.gov.uk/dfc

From: Hafeeza Joorawan <Hafeeza.Joorawan@ico.org.uk>

Sent: 15 February 2022 13:54

To: [REDACTED]

Natasha Andrews <Natasha.Andrews@ico.org.uk>

Cc: Christina Barnes <Christina.Barnes@ico.org.uk>

Subject: RE: URGENT DPIA for daily attendance data collection

Hi [REDACTED]

Thank you for confirming that the clarification communication will be sent tomorrow and that the DPIA will also be accessible to schools/MATs. Please could you let me know when this happens and provide a copy of the communication.

With kind regards
Hafeeza



Mrs Hafeeza Joorawan
Senior Policy Officer – Relationship Management Service

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
T. 03304146541 F. 01625524510 ico.org.uk twitter.com/iconews
Email Hafeeza.Joorawan@ico.org.uk

I have flexibility in the way that I work, I'm sending this message now because it suits my work hours. I don't expect that you will read, respond to or action this message outside your usual hours.



My usual working days are Monday to Thursday.

For information about what we do with personal data see our [privacy notice](#)

Please consider the environment before printing this email

From: [Redacted]

Sent: 15 February 2022 13:42

To: Hafeeza Joorawan <Hafeeza.Joorawan@ico.org.uk>; [Redacted]

Natasha Andrews <Natasha.Andrews@ico.org.uk>

Cc: Christina Barnes <Christina.Barnes@ico.org.uk>

Subject: RE: URGENT DPIA for daily attendance data collection

External: This email originated outside the ICO.

Hi Hafeeza

We have a copy of the DPIA and a note confirming your independent role going live tomorrow



2 Rivergate, Bristol, BS1 6EW | Tel. [Redacted] Web: www.gov.uk/dfc

From: Hafeeza Joorawan <Hafeeza.Joorawan@ico.org.uk>

Sent: 15 February 2022 13:04

To: [Redacted]

[Redacted] Natasha Andrews <Natasha.Andrews@ico.org.uk>; [Redacted]



Cc: Christina Barnes <Christina.Barnes@ico.org.uk>

Subject: RE: URGENT DPIA for daily attendance data collection

Hi [Redacted]

Thank you for providing this updated version of the DPIA.

With kind regards
Hafeeza



Mrs Hafeeza Joorawan
Senior Policy Officer – Relationship Management Service

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow,
Cheshire SK9 5AF
T. 03304146541 F. 01625524510 ico.org.uk twitter.com/iconews
Email Hafeeza.Joorawan@ico.org.uk

I have flexibility in the way that I work, I'm sending this message now because it suits my work hours. I don't expect that you will read, respond to or action this message outside your usual hours.

[REDACTED]

My usual working days are Monday to Thursday.

For information about what we do with personal data see our [privacy notice](#)

Please consider the environment before printing this email

From: [REDACTED]
Sent: 15 February 2022 12:42
To: [REDACTED] Natasha Andrews
<Natasha.Andrews@ico.org.uk>; [REDACTED] Hafeeza Joorawan
<Hafeeza.Joorawan@ico.org.uk>
Cc: Christina Barnes <Christina.Barnes@ico.org.uk>
Subject: RE: URGENT DPIA for daily attendance data collection

External: This email originated outside the ICO.
Hi Hafeeza, Natasha, and Christina,

Attached is a slightly updated version of the DPIA you were sent yesterday. This version is 1.1.

I apologise for any inconvenience caused by the required update.

Kind regards

[REDACTED]

[REDACTED]
[REDACTED]
Data Protection Office

T: [REDACTED] | E: [REDACTED] ukgov.uk/dfe |
@education.gov.uk | fb.com/education.gov.uk



Department
for Education



From: [REDACTED]
Sent: 15 February 2022 07:29
To: 'Natasha Andrews' <Natasha.Andrews@ico.org.uk>; [REDACTED]
'Hafeeza Joorawan' <Hafeeza.Joorawan@ico.org.uk>
Cc: 'Christina Barnes' <Christina.Barnes@ico.org.uk>
Subject: RE: URGENT DPIA for daily attendance data collection

Hi Natasha, Hafeeza and Christina,

I am contacting you on behalf of [REDACTED] to ask that we can withdraw the DPIA we sent you yesterday to allow us time to make an urgent update.

We apologise for any inconvenience this causes and we will send you the updated version as soon as possible.

Kind regards

[REDACTED]



Data Protection Office

T: [redacted] | E: [redacted]@education.gov.uk | [ukgov.uk/dfe](https://www.gov.uk) |
[@education.gov.uk](https://www.facebook.com/education.gov.uk) | [fb.com/education.gov.uk](https://www.facebook.com/education.gov.uk)



Department
for Education



From: [REDACTED]
Sent: 21 February 2022 12:36
To: Hafeeza Joorawan; [REDACTED] Natasha Andrews
Cc: Christina Barnes
Subject: RE: URGENT DPIA for daily attendance data collection

External: This email originated outside the ICO.
Hi Hafeeza,

Sorry for the delay in replying I am running a workshop today. I will send you the link to the DPIA on gov.uk when this is available, this will be on the DfE site within gov.uk. The DfE website is the site held on gov.uk.

In the short term we are making the DPIA available via a google drive, separate to the one available for schools/MATs.

I will ask for an update on when the DPIA will be published on our site on gov.uk.

Kind regards

[REDACTED]

 Department for Education
[REDACTED] | Office of the Data Protection
Officer
[REDACTED] tel. [REDACTED]
gov.uk/dfe | @education.gov.uk | fb.com/education.gov.uk

From: Hafeeza Joorawan <Hafeeza.Joorawan@ico.org.uk>
Sent: 21 February 2022 11:02
To: [REDACTED]
[REDACTED]
Natasha Andrews <Natasha.Andrews@ico.org.uk>
Cc: Christina Barnes <Christina.Barnes@ico.org.uk>
Subject: RE: URGENT DPIA for daily attendance data collection

Hi [REDACTED]

Thank you for providing a copy of the communications that has now been issued to all schools/MATs.

I have forwarded the email address provided, to colleagues who deal with the public so that they are aware of the process by which a request can be made to the DfE to gain access to the DPIA. Has this also been made available on the DfE website? From a transparency perspective this might also be helpful.

I'd appreciate if you could confirm when the DfE uploads the DPIA and associated documentation onto the Gov.uk website and provide a link.

With kind regards
Hafeeza



Mrs Hafeeza Joorawan
Senior Policy Officer – Relationship Management Service

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow,
Cheshire SK9 5AF
T. 03304146541 F. 01625524510 ico.org.uk twitter.com/iconews
Email Hafeeza.Joorawan@ico.org.uk

I have flexibility in the way that I work, I'm sending this message now because it suits my work hours. I don't expect that you will read, respond to or action this message outside your usual hours.



My usual working days are Monday to Thursday.

For information about what we do with personal data see our [privacy notice](#)

Please consider the environment before printing this email

From: [Redacted]

Sent: 17 February 2022 14:43

To: Hafeeza Joorawan <Hafeeza.Joorawan@ico.org.uk>; [Redacted]

Natasha Andrews <Natasha.Andrews@ico.org.uk>

Cc: Christina Barnes <Christina.Barnes@ico.org.uk>

Subject: RE: URGENT DPIA for daily attendance data collection

External: This email originated outside the ICO.

Hi Hafeeza,

We are working with colleagues responsible for the Gov.uk site to arrange for the DPIA and all other documents to be uploaded to this site. I understand there is a further meeting tomorrow, these documents will be uploaded by the end of the month at the latest.

We have been sending a link to a google drive for anyone (non- schools/MAT's) requesting a copy of the DPIA until we can get it uploaded to the Gov.Uk site. We are happy for you to refer people to us via the email details below:



Below is a copy of the comms issued yesterday.

Kind regards





This is your email to keep you updated on the government's response to COVID-19. If you have colleagues who would like to receive this email directly, please ask them to use this [subscription form](#).

Today's email includes:

- information for schools on registering bank details to receive funding to support the 12 to 15 year old vaccination programme
- information for parents of pupils aged 5 to 17 years old on the vaccination programme
- information for schools and colleges on the extension of the COVID-19 workforce fund
- an update for schools on the automated attendance data trial
- details on how schools can register for webinars on attendance best practice

Register your settings bank details to receive funding to support the 12 to 15 year old vaccination programme

On Monday 24 January, we [announced that schools will receive at least £1,000](#) each to support engagement with the vaccination programme. Details of the funding allocation that each eligible school will receive is available in the [12 to 15 year old vaccination programme conditions of funding guidance](#).

If you do not currently receive any funding from the Education and Skills Funding Agency (ESFA), and your setting is eligible to receive this funding, please ensure you have registered your

bank details with DfE by completing the [online form](#) by Monday 28 February.

Information for parents of pupils aged 5 to 17 years old on the vaccination programme

Vaccinations help to increase protection against COVID-19, which is particularly important for those with underlying health conditions. Being vaccinated minimises the need for children and young people to have time off from school or college, and helps them to continue to carry out their hobbies, attend social events and live their lives to the full.

We have published some [frequently asked questions](#) (FAQs) on the vaccination programme including information on eligibility, accessibility and advice for parents of children at high risk from COVID-19. Please share these FAQs with parents, particularly those with children who are clinically vulnerable.

Guidance on how to [book appointments](#) for children aged 12 years and over is available on the NHS website. Further information on the vaccination of high risk children aged 5 to 11 years old is available in the [guide for parents of children aged 5 to 11 years](#) published by the UK Health Security Agency (UKHSA).

COVID-19 workforce fund extension to Easter for support with the costs of staff absences in schools and colleges

The COVID-19 workforce fund has now been extended, providing financial support to eligible schools and colleges for costs incurred due to staff absences from Monday 22 November 2021 until Friday 8 April 2022.

The fund is available to support schools and colleges facing significant staffing and funding pressures in continuing to deliver face-to-face, high-quality education to all pupils.

Further information on the COVID-19 workforce fund is available in our guidance for [schools](#) and [colleges](#). The guidance will be updated later this week to reflect the extension.

The claims window will open in the spring.

An update on the automated attendance data trial

The [data protection impact assessment](#) (DPIA) for the automated attendance data trial project is now available. On Tuesday 15 February, we formally engaged with the Information Commissioner's Office (ICO) to gain an independent assessment of the risk. Due to the evolving nature of this programme we plan to update the DPIA on a quarterly basis and will continue to keep you updated as it develops.

Webinars for schools on attendance best practice

School attendance best practice webinars are now underway. This series focusses on how a range of schools across the country have maintained or improved their attendance levels, and the approaches they have taken.

Details of our upcoming webinars and how to register are below:

- [Thursday 17 February at 4pm](#) – St Thomas More Catholic Academy, a secondary school in Stoke-on-Trent, attendance webinar
- [Thursday 3 March at 4pm](#) – Wheelers Lane Technology College, a secondary school in Birmingham, attendance webinar

All webinars will be recorded and shared as part of the [good practice for schools and multi-academy trusts on improving attendance](#).

The information below has not changed since our last update

Department for Education COVID-19 helpline

The [Department for Education COVID-19 helpline](#) and the UK Health Security Agency (UKHSA) advice service are available to answer any questions you have about COVID-19 relating to education and childcare settings and children's social care.

Department for Education guidance

Our guidance to support education and childcare providers, local authorities and parents during the COVID-19 pandemic can be accessed using the links below:

- [guidance for early years and childcare providers](#)
- [guidance for schools](#)
- [guidance for further and higher education providers](#)
- [guidance for local authority children's services](#)
- [guidance for special schools and other specialist settings](#)
- [guidance for parents and carers](#)

Unsubscribe from this email

You will continue to receive this email if you have supplied your contact information as part of your formal Department for Education establishment record (for example, in get information about schools) or you are registered as a team leader in the Test and Trace service.

If your contact information is not held formally by us, you can unsubscribe using this [unsubscribe form](#).



Department
for Education

[Redacted]
[Redacted] | Office of the Data Protection
Officer
[Redacted] tel [Redacted]
gov.uk/dfe | @education.gov.uk | fb.com/education.gov.uk

From: Hafeeza Joorawan <Hafeeza.Joorawan@ico.org.uk>

Sent: 17 February 2022 12:00

To: [Redacted]

Natasha Andrews <Natasha.Andrews@ico.org.uk>

Cc: Christina Barnes <Christina.Barnes@ico.org.uk>

Subject: RE: URGENT DPIA for daily attendance data collection

Hi [Redacted]

Could I just check whether the DPIA is only accessible schools/MATs rather than being on the .Gov website and publicly available?

Do you have copy of the comms?

Thanks
Hafeeza



Mrs Hafeeza Joorawan
Senior Policy Officer – Relationship Management Service

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

T. 03304146541 F. 01625524510 ico.org.uk twitter.com/iconews

Email Hafeeza.Joorawan@ico.org.uk

I have flexibility in the way that I work, I'm sending this message now because it suits my work hours. I don't expect that you will read, respond to or action this message outside your usual hours.

[Redacted]

My usual working days are Monday to Thursday.

For information about what we do with personal data see our [privacy notice](#)

Please consider the environment before printing this email

Craig Ineson

From: [REDACTED]
Sent: 15 February 2022 12:42
To: [REDACTED] Natasha Andrews; [REDACTED] Hafeeza Joorawan
Cc: Christina Barnes
Subject: RE: URGENT DPIA for daily attendance data collection - Version 1.1
Attachments: 21DPIA043_Strategic_Data_Collection v1.1 feb 22).docx

Follow Up Flag: Follow up
Flag Status: Flagged

External: This email originated outside the ICO.
Hi Hafeeza, Natasha, and Christina,

Attached is a slightly updated version of the DPIA you were sent yesterday. This version is 1.1.

I apologise for any inconvenience caused by the required update.

Kind regards

[REDACTED]

[REDACTED]

[REDACTED]

Data Protection Office

T: [REDACTED] | E: [REDACTED]@education.gov.uk | [ukgov.uk/dfe](https://www.gov.uk/government/organisations/data-protection-office) |
[fb.com/education.gov.uk](https://www.facebook.com/education.gov.uk)



Department
for Education





Department
for Education

**Strategic Data Collection Data Protection Impact Assessment – Part 2
Version 1.0**

<February 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	Strategic Data Collection
Initiative or Project Manager's Name:	[REDACTED]
Initiative or Project Manager's Email Address:	[REDACTED]
Senior Responsible Owner's (SRO) Name: This is the senior person responsible for this initiative	[REDACTED]
Senior Responsible Owner's (SRO) Email Address: This is the senior person responsible for this initiative	[REDACTED]
Name of person completing the form	[REDACTED]
Email address of the person completing the form	[REDACTED]
What date does your initiative "go live"	07 February 2022

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.

In July 2020, The Children's Commission published a report detailing that 120,000 teenagers (1 in 25) were at risk at falling through the gaps of education and social care (Source - [Coronavirus crisis could see a lost generation of vulnerable teenagers falling through gaps in the school and social care systems | Children's Commissioner for England \(childrenscommissioner.gov.uk\)](#))

At present The Department for Education only records attendance on a termly basis and this does not give enough data for the department to make timely interventions to support vulnerable children such as those outlined in the report.

Synopsis of Programme

To inform operational and policy decisions throughout the pandemic we needed to understand attendance on a more frequent basis, resulting in the move to daily collections in March 2020. This was a major change for the sector and required the development of a bespoke, manual, voluntary data collection known as the Educational Settings (EDSET) form.

This new daily functionality has proved invaluable, with the data provided helping to shape the government's response to the pandemic and offering new insights into the attendance pattern of pupils.

The use of daily attendance data during the pandemic has shown that there is an opportunity to improve data flows between DfE and schools, LA's and MAT's and open the way to more timely data being collected.

As we move into Covid Recovery work it is vital that children attend school and continue their learning to achieve the best possible outcomes they can. The Children's Commissioner, Ofsted and Office for Health Improvement and Disparities all raise concerns about the disproportionate impact COVID has on vulnerable children, including mental health and the increased risks of self-harm. See links:

- [Education recovery in schools: autumn 2021 - GOV.UK \(www.gov.uk\)](#)
- [4. Children and young people - GOV.UK \(www.gov.uk\)](#)
- [Damage to children's mental health caused by Covid crisis could last for years without a large-scale increase for children's mental health services | Children's Commissioner for England \(childrenscommissioner.gov.uk\)](#)

Applying the lessons learnt from the pandemic has informed our approach to automating the collection of attendance data daily. Schools/MATs are dealing with unprecedented challenges, we don't know what the long-term impacts of the COVID pandemic are on children's education and wellbeing/mental health. We do know termly, or even weekly absence data collection will not enable the level of analysis required to support schools/MATs

in taking early action, identifying trends and issues requiring immediate action and support children in their care.

To be able to collect daily attendance data we have procured Wonde who will ask schools to agree to share their daily attendance data with DfE. Once agreement is given the school does not have to take any further action, Wonde will connect to their management information system on a daily basis, extract the data and share it with DfE.

This change of frequency and method of collection does not require schools/MATs to do anything in addition to their current data collection method.

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.

Demographics

Surname, forename, Date of Birth, sex, ethnicity, (ethnicity is special category data)
Unique pupil number, school unique reference number, local authority code

All attendance sub codes as requested in the voluntary data collection known as the Educational Settings (EDSET) form.

Vulnerable Child Indicators

This is an expansion of existing data collection, it will change the method of collection and frequency to daily collection for data currently being collected via a different frequency and method:

Child looked after, child previously looked after - annually collected via Local Authorities in the SSDA903 return.

SEN support, education health and care plan, free school meals including FSM6, pupil premium - collected in the termly school census data collection. (special category data).

Child in Need & Child Protection (not in first phase)

2a Lawful basis for processing personal data. Detail on what lawful basis you are processing personal data:	Put "X" next to all that apply.
Consent (Article 6 (1)(a)) - the individual has given clear consent for organisation to process their individual data for a specific purpose <i>If relying on consent, a valid consent form is required.</i>	
Contract (Article 6 (1)(b)) - the processing is necessary for a contract the organisation has with the individual, or because the individual has asked the organisation to take specific steps before entering into a contract. Copy of contract required, check it has standard GDPR clauses and covers retention.	
Legal obligation (Article 6 (1)(c)) - the processing is necessary for the organisation to comply with the law (not including contractual obligations)	
Vital interests (Article 6 (1)(d)) - the processing is necessary to protect someone's life	
Public task (Article 6 (1)(e)) - the processing is necessary for the organisation to perform a task in the public interest or for the organisation's official functions, <u>and</u> the task or function has a clear basis in law. <i>(If relying on this condition, confirm the specific legislation that allows for this legal base and ensure this allows us to do what we want to do.)</i>	X
Legitimate interests (Article 6 (1)(f)) - the processing is necessary for the organisation's legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's individual data that overrides those legitimate interests. <i>(If relying on this condition, details required on what the legitimate interest is, how the project described in the brief purpose meets the legitimate interest and how the project balances the legitimate interest against the data protection rights of individuals)</i>	

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.

We are using a data processor (Wonde). Wonde will be working under the terms of a DfE contract to collect attendance data from the school Management Information System and securely transfer it to DfE daily. This collection is done using a standard interface that allows pupil level data to be shared securely. Under the contract Wonde can only collect the data that DfE has said they can collect, and they can only transfer it to DfE in the agreed way.

- Wonde already have established working relationships with schools and MATs and are trusted by 19,204 schools to process pupil data as the schools contracted data processor. Using a secure portal Wonde ask the school to give agreement to share their data with DfE for the new daily frequency and via this new means. The process is quick and simple, all schools need to do is click 'yes' if they want to give agreement. This is a one-off process, once the school agrees to share data in this way it will be automatically extracted from their Management Information System and sent to DfE each day. Schools can revoke agreement at any time should they wish to do so.

This is not a new data collection. The data Wonde will extract under the terms of the contract with DfE is already processed by DfE through the termly school census which schools have a statutory obligation to complete, SSDA903 and the EDSET collection. This collection is changing the frequency (to daily from termly/annually) and the method from using our COLLECT data base to the data being extracted with the school's agreement by Wonde from their Management Information System.

4. Explain how you will obtain the data.

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

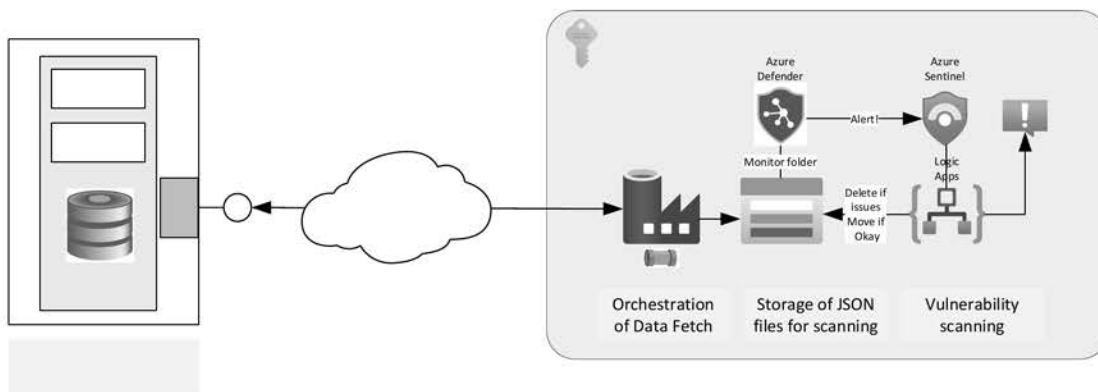
If there are multiple methods of obtaining data, list all of them and state what data will be collected by each method.

How will the data be collected?

The data fields to be collected are recorded in the school management information systems (MIS). Wonde ask schools via a secure portal to give agreement for the to share their data with the DfE. Once this agreement is received Wonde can connect to the MIS to extract the data as set out in the spec (detailed above).

Wonde will transfer this data to us daily. It is important to note that we are not collecting any new data, this reflects the school census. The change is to the frequency which will daily compared to termly publishing as part of census.

The technical detail for this is as follows: Data will be collected from the 3rd Party Aggregator via their API interface and landed in the Data Directorates Transient Zone, where it will be scanned for vulnerabilities before being made available for use.



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)

Personal data which includes the special category data being collected on pupils may become available to organisations outside DfE, Schools, LAs and MATs This could result in a loss of trust and reputational impacts if this were to happen. If the data is lost or altered this could impact on DfE's ability to perform our duties as it could distort results for analysis/research. Within DfE, data is stored and processed within Microsoft Azure cloud hosting which is based in the Republic of Ireland and the Netherlands. The Department's 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.

The Department has robust safeguards and controls in place to ensure this data, as with all our data, is handled securely and in accordance with relevant data protection regulations. This data will be allocated an information asset owner who will be responsible for controlling access to the data to only those with a justified and legal need to access the data and will be responsible for completing ongoing periodic reviews to ensure that the data will be retained for no longer than is necessary for the purposes for which the data was originally collected. DfE has received the required Offshoring Approval for using Microsoft Azure.

We have worked with our DfE lead security information officer to ensure security colleagues were satisfied that the requirements of Article 32 were met, and this includes the secure hub used by Wonde. Security colleagues confirmed this before we signed the contract.

All access to the data will be authenticated via an Identity and Access Management solution (controlled by DfE). Authorisation to see data will be controlled via role-based access rules.

6. List any organisation other than DfE that will be involved in processing the personal data.

In each case explain:

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

Attach data flow diagrams if necessary.

Schools/MAT's are the Data Controller for the initial data collection as required in law for the School Census Data Collection.

DfE becomes the data controller at the point they receive the data collection via the secure hub.

Wonde is acting as DfE's data processor in accordance with the terms of the contract with DfE. All data collected is stored in Wonde's secure hub.

Wonde has satisfied the terms of our contract with regard to our security requirements

MATs as the accountable body and data controller for academy schools for the initial data collection as required in law until they transfer it to DfE.

LAs as the accountable body (and data controller) for maintained schools and all children living within their boundary (or placed in care out of Authority) for safeguarding purposes

No data will be collected without the agreement from the school in compliance with the data fields outline above (detailed in the contract)

DfE access will be managed through tokens from Wonde. The token provides access permission for DfE to data held by Wonde. It is generated in Wonde's secure portal. The token contains a code that DfE use when retrieving data from Wonde. These access tokens will be tightly managed and keys need to be changed on a periodic basis (3 months) OR when someone in an operations/support leaves who has had direct access to the token information.

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.

66 years – Due to the unprecedented challenges schools/MATs and children are facing data will need to be kept to enable long term analysis to be conducted. COVID will have a long-term impact on the education of children, we will need to be able to monitor the impact throughout their school life and into employment. The expectations of the job market and working patterns have changed as a result of COVID, we will need to understand the relationship between education and earnings as a result of these changes.

The effects of COVID and long COVID are as yet unknown and will need to be kept under review.

Reviews will be conducted annually to ensure the data remains necessary for our purposes. Data that is deemed unnecessary will be destroyed or archived as appropriate. All archived data will be anonymised so it can no longer be linked to an identifiable person. If archived periodic reviews will be carried and the data disposed of when it is deemed unnecessary to hold. As part of the review, we will consider whether data can be anonymised. The data will be refreshed (as it changes in the source system) daily.

All deletions will be managed by the Data Controller (Schools) at source in their MIS system. The only deletions DfE will need to make is for any records which have been identified as incorrect, these will be reviewed upon receipt of notification and deleted as required.

Where it been decided that the data is no longer required and can be deleted/destroyed, the data will be destroyed in line with DfE practices employing a process of “secure sanitisation”, required under “Information Assurance Standard No. 5 - Secure Sanitisation” (“IS5”) issued by the former National Technical Authority for Information Assurance (CESG), now National Cyber Security Centre (NCSC).

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

Wonde stores school data within Amazon Web Services data centre in Ireland. This ensures data is stored in EEA and can be freely transferred between Ireland and the UK under the current UK/EU GDPR adequacy decision.

This has been reviewed by Neil Mclvor, Chief Data Officer as part of the off shoring approval process and approval has been given.

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.

Not applicable

About necessity, proportionality, lawfulness and data quality

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

What are the benefits of this?

Schools, Local Authorities, Multi Academy Trusts and DfE will have more timely data:

- allowing for earlier trend analysis and indication of issues enabling significantly speedier interventions
- better supporting safeguarding actions protection children from harm
- Reduce persistent absence, identify trends, better able to support vulnerable children including children with caring responsibilities
- Inform any support and interventions a child needs to enable them to be in school and help them achieve the best possible outcomes they can
- inform operational and strategic decision making
- Support budgetary/funding decisions by identifying where money needs to be spent, including where MATs need to prioritise their spend.
- Able to identify trends where investment may be needed.

We have plans in place to work with the sector to play this data back to them to facilitate a better understanding amongst schools, MATs and LAs of their own performance at pupil level, and compare with the sector. This will inform any necessary improvement plans and more timely interventions. This will be done using View your Education Data (VYED) which will present the data in a report using Microsoft Power BI. We have chosen to use VYED because it is a reporting mechanism already in use that schools, LAs and MATs can have secure

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

access to their data. We have chosen to use VYED as it is a tool already used by the sector and uses Power BI to report and visualise the data.

We will start receiving the data from our contractor Wonde on or just after the 7th February 2022. We aim to start sharing this back to the sector from April. Before we are able to share we will be carrying out data validation checks to ensure strong data quality.

Reporting back to the sector using VYED will give:

- Schools the ability to view all their pupil level data.
- MATs will have the ability to view the data of all participating schools they are responsible_for
- LAs will have the ability to view the data for all pupils living in their area.
- All users will have access to aggregated data for comparator purposes

This is an improvement to reporting of this data currently, which is only published termly following school census. We are collecting the same data fields as the school Census, and simply increasing the frequency of the data availability and automating how it is collected. This will enable schools, Local Authorities, Multi Academy Trusts and DfE to make more timely decisions based on up to date data, supporting early identification of risks/issues and support a pupil may need to improve their attendance at school.

We want to share data back with the sector and by doing so gradually reduce manual data collection burdens and better support operational planning.

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.

The data fields proposed are already collected as part of the school census, we are not collecting any new data fields. We are collecting the minimum needed to understand persistent absence and to safeguard children.

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

Once the data has been retrieved it is placed into a secure area where all the data is scanned for vulnerabilities. This secure area is called the Transient Zone and once all files have been scanned the data will be available for the use.

13. Specify the <u>Lawful basis for processing special categories of data</u>	Tick when complete
Explicit consent (Article 9(2)(a)) - the data subject has given explicit consent to the processing of those individual data for one or more specified purposes. <i>If relying on consent, details required to confirm valid consent, require a copy of the consent form.</i>	
Necessary for obligations under employment, social security, social protection law (Article 9(2)(b)) - processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law	
Vital interests (Article 9(2)(c)) - processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent	
Processing by a not for profit body with political/philosophical/religious/trade union aim (Article 9(2)(d)) - processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the individual data are not disclosed outside that body without the consent of the data subjects	
Data made data public by subject (Article 9(2)(e)) - processing relates to individual data which are manifestly made public by the data subject	
Necessary for judicial reasons (Article 9(2)(f)) - processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity	
Substantial Public interest based in law (Article 9(2)(g)) - processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject	X
Processing for healthcare reasons (Article 9(2)(h)) - processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law or pursuant to contract with a health professional	

<p>Processing necessary for public health reasons (Article 9(2)(i)) - processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices, on the basis of Union or Member State law which provides for suitable and specific measures to safeguard the rights and freedoms of the data subject, in particular professional secrecy</p>	
<p>Necessary for archiving, scientific, historical research or statistical purposes (Article 9(2)(j)) - processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes based on law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject</p>	
<p><i>As required by <u>section 10 of the DPA</u>, the processing meets the requirement in <u>point (b), (h), (i) or (j) of Article 9(2) of the GDPR</u> for authorisation by, or a basis in, the law of the United Kingdom or a part of the United Kingdom only if it meets a condition in Part 1 of Schedule 1.</i></p> <p><i>If relying on (b), (h), (i) or (j) of Article 9(2) of the GDPR, identify which condition in <u>DPA 2018 Schedule 1, Part 1</u> is met.</i></p>	

The impact on individuals and their rights

14. Describe the effect the initiative is intended to have on individuals.

This improved frequency and collection method is expected to benefit data subjects as we will be able to identify concerns about pupils' attendance quicker and therefore offer support and solutions quicker. It will help with safeguarding.

There are no blockers in terms of data subjects being able to exercise their rights in Data Protection Legislation. If a data subject request is received the DfE will consider them on a case by case basis and will respond guided by the law on whether rights are granted or not.

No negative effects are expected.

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.

Data subjects and their parents in many cases will be informed about this processing via specific DfE privacy notices, supported by Questions and Answers on the new process and the data protection concerns they may have. We are planning a series of webinars for schools and a video to make it easier for schools, children, parents and carers to understand how data will be used.

Schools will be updating their privacy notices to explain that they will be sharing this data with DfE and what the purpose is. DfE will be assisting in this by providing templates that schools may wish to use.

To assist schools with their accountability, DfE will provide regular (Bi-Annual/Termly updates to the programme including an updated DPIA and list of data shares).

DfE have created specific communications and Questions and Answers on the new process and data protection potential concerns for the sector to outline. This will enable them to understand the impact of the changes and decide whether to agree and be able to explain to parents/carers and children what the benefits are if asked.

DfE will develop a video and cartoon to be available in May 2022 for parents to explain this daily data collection. From September 2022 we will issue a letter for all parents via schools to explain what child data DfE collects and processes for what purpose. In October 2022 we will develop an information pack for all prospective parents applying to schools this will explain how DfE will collect and process their child's data.

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

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

The data is processed under Public Task and therefore Data Subjects do not have the right to erasure or the right to portability.

They can ask the data to be rectified or completed if it's wrong,

It is a statutory requirement for schools to provide the data outlined above to the DfE. If any errors in the data are identified the data subject can ask for the data to be rectified by contacting the school or by contacting DfE Data Protection Team

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

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

The data subject also has the right to object, data subjects can exercise this right by contacting the DfE Data Protection Team.

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.

We have not consulted individuals DfE already collect attendance information about pupils from schools via the school census data collection. We have developed a specific privacy notice for parents/children to explain why we are changing the frequency and method of collection, we are asking schools to make this available to parents via their websites and it has been made available to schools via DfE communications in our google drive for schools and MAT, It is published on Wonde's secure hub..

Legislation

- School Census Collection - section 537A Education Act 1996 and the regulations made under that power – such as the Education (Information About Individual Pupils) (England) Regulations 2013
- Requirement for schools to record attendance data: section 537A and section 434 Education Act 1996 – and regulations made under those powers including the Education (Pupil Registration) (England) Regulations 2006 and the 2013 regs referred to above
- Legal duty for a parent to ensure their child is in school:
The primary duty is section 7 Education Act 1996.

We have not consulted with the data subjects as this is not a new data collection, we have engaged with the sector as follows:

Star Chamber (External Scrutiny Board) – general support given, offered to help shape the solution by way of a user group and receive updates on progress and next steps.

Conversations with the Local Government Association (LGA) Association of Directors of Children's Services (ADCS) Trade Unions (TU's) Local Authorities (LAs) Multi Academy Trusts

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.

(MATs) – supportive of the proposition, made it clear we need to communicate the value to the sector and that this must not place additional administrative burdens on schools. Best practice shared along with potential uses for the data

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

We have an established SAR process as highlighted in the privacy notice, this can be accessed via the link in the privacy notice. See below:

For further information and how to request your data, please use the '[contact form](#)' in the Personal Information Charter at <https://www.gov.uk/government/organisations/department-for-education/about/personal-information-charter> under the 'How to find out what personal information we hold about you' section.

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.

They can ask the data to be rectified or completed if it's wrong

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.

NA

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.

DfE has a process in place to comply with this right via our standard “contact” process via DfE Contact us as highlighted in our privacy notice, details copied below:

If you have any questions about how your personal information will be used, please contact us at <https://www.gov.uk/contact-dfe> and enter School’s attendance data collection as a reference.

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

NO

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

No automatic profiling

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

NO

Section 2: Identification, assessment and mitigation of risks

Describe the source of the risk	Describe the nature of potential impact on individuals.	Impact 1=Very Low 5 = Very High	Likelihood 1=Very Low 5 = Very High	Overall Risk Impact x Likelihood	Mitigation	Residual Risk 1=Very Low 5 = Very High
Data subjects not aware that their personal data is being shared in this way.	Parents may have concern about what their child's pupil level data will be used for	2	1	2	This data is collected through the termly school census now. The change is the frequency and method in which the data is transferred to the DfE. No pupil level data will be shared other than with the school and relevant LA or MAT Data transfer and storage is secure and compliant with DfE requirements for Data Protection and GDPR	1
Data could be lost or shared in error with third parties as part of the sharing back to schools, Local Authorities and Multi Academy Trusts	Personal data on individuals might become available to organisations outside the DfE / schools, Local Authorities and Multi Academy Trusts	2	1	2	Data transfer and storage is secure and compliant with DfE requirements for Data Protection and GDPR Rule based permissions will be in place using the VYED platform	1
Data could be processed or retained for longer than is necessary	This may expose the department to challenge	2	1	2	Regular reviews will be in place to determine if data should still be processed or retained can be disposed of Data is securely destroyed in line with agreed retention schedules.	1

Section 3: Sign off and outcomes

Sign off	Name and date
<p>Reflect actions in project plan, with date and responsibility for completion.</p> <p>Measures approved by:</p>	<p>██████████ – working with Programme Team</p> <p>15th February 2022</p>
<p>If accepting any residual high risk (a score of 15 or more), the DPO must consult the Information Commissioner before going ahead.</p> <p>Residual risks approved by:</p>	<p>██████████</p> <p>15th February 2022</p>
<p>The Data Protection Assurance Team will advise on compliance, and risk mitigation options.</p> <p>Data Protection Assurance Team advice provided by:</p>	<p>██████████</p>

<p>Summary of Data Protection Assurance Team advice:</p> <p>Due to the high profile nature of this programme – escalated to DPO and Deputy DPO</p>
--

DPO to be consulted: Yes
Date consulted: Latest consultation – 15 th February 2022
<p>DPO comments:</p> <p>I am content that there is a valid need for this processing and the benefits out way the risks. However due to the high profile nature and the volume of collection, I confirm that will be escalating this to the ICO for their comments and insight.</p>

DPIA to be kept under review: Yes	Review date: 16 th March 2022
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From: [REDACTED]
Sent: 01 March 2022 16:11
To: Hafeeza Joorawan; [REDACTED] Natasha Andrews
Cc: Christina Barnes
Subject: RE: URGENT DPIA for daily attendance data collection

External: This email originated outside the ICO.
Hi Hafeeza,

Unfortunately getting our DPIA published on gov.uk has proved challenging. We have had to change the format as we aren't permitted to publish a "question and answer format" which is the basis of our DPIA template. We have agreed this today and are awaiting agreement to upload this new format. We will also be changing the version accessed through the google drive to ensure we only have one version to be accessed by the public.

I will send you the link once I have this.

I apologise for the delay.

Kind regards

[REDACTED]

 Department for Education
[REDACTED] | Office of the Data Protection Officer
[REDACTED] tel [REDACTED]
gov.uk/dfe | @education.gov.uk | fb.com/education.gov.uk

From: Hafeeza Joorawan <Hafeeza.Joorawan@ico.org.uk>
Sent: 21 February 2022 11:02
To: [REDACTED]
[REDACTED]
Natasha Andrews <Natasha.Andrews@ico.org.uk>
Cc: Christina Barnes <Christina.Barnes@ico.org.uk>
Subject: RE: URGENT DPIA for daily attendance data collection

Hi [REDACTED]

Thank you for providing a copy of the communications that has now been issued to all schools/MATs.

I have forwarded the email address provided, to colleagues who deal with the public so that they are aware of the process by which a request can be made to the DfE to gain access to the DPIA. Has this also been made available on the DfE website? From a transparency perspective this might also be helpful.

I'd appreciate if you could confirm when the DfE uploads the DPIA and associated documentation onto the Gov.uk website and provide a link.

With kind regards
Hafeeza



Mrs Hafeeza Joorawan
Senior Policy Officer – Relationship Management Service

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow,
Cheshire SK9 5AF

T. 03304146541 F. 01625524510 ico.org.uk twitter.com/iconews

Email Hafeeza.Joorawan@ico.org.uk

I have flexibility in the way that I work, I'm sending this message now because it suits my work hours. I don't expect that you will read, respond to or action this message outside your usual hours.



My usual working days are Monday to Thursday.

For information about what we do with personal data see our [privacy notice](#)

Please consider the environment before printing this email

15 March 2022

By email to:

[REDACTED]
[REDACTED]

Dear [REDACTED]

Strategic Data Collection

The ICO has now considered the Department for Education's latest iteration (15/02/22) of the data protection impact assessment (DPIA) for Strategic Data Collection. This is in respect of the data processing of daily attendance data.

Please find below summary observations followed by more detailed observations for your consideration.

Summary observations

Requirement for a DPIA

As the processing is clearly in the high-risk category, the DfE should have completed a DPIA prior to processing, in accordance with Article 35(1).

Data processing activity

Clarification is required as to whether the data processing involves the collection of a new data set or whether this involves the same data as collected via the school census. There are contrary indications within the DPIA.

Controllers and processor

As the DPIA appears to describe a joint controller arrangement, it should demonstrate how the requirements of Article 26 are met, and if this is by means of a data sharing agreement, provide relevant details.

The DPIA should also confirm that the contractual arrangement between the DfE and Wonde fully complies with the requirements for processor contracts under Article 28.

Lawful basis and Special Category Data (SCD) condition

The DPIA should clarify the justification for the controller's reliance on public task and should do more to demonstrate the necessity of the

processing in that context. In terms of the processing of SCD, no substantial public interest condition from Part 2 of Schedule 1 of the DPA 2018 is identified. This is an essential requirement, and it is important that the controller addresses this omission and also provides the requisite demonstration of necessity.

Necessity & proportionality

Further detail is recommended in the assessment of the necessity and proportionality of the processing, for example in relation to the long retention period and the return to pre-pandemic 'normality'.

Data Protection Principles

Purpose Limitation

The DPIA should provide more detail on anonymisation and archiving.

Storage Limitation

The 66 year retention period is a concern. It is not apparent from the DPIA how such retention is justified for the analysis and monitoring which is proposed, or whether this can be undertaken in a way that does not require identification of the data subjects.

Data subject rights

Clarification is required in terms of the controller's intentions regarding profiling.

Risk assessment

The risk assessment is limited. Not all the risks are articulated in terms of the impact on data subjects, and we note that no risks have been identified in relation to the large amount of special category data being processed.

We also consider that more detailed consideration should have been given in relation to risks around data security.

Detailed Observations

Requirement for a DPIA prior to processing (Article 35)

The DfE did not complete a DPIA prior to commencement of the processing. With processing likely to fall into the high-risk category (not least due to processing of Special Category Data on a large scale as described by Article 35(3)(b), the controller is obliged to carry out a DPIA prior to the processing, in accordance with Article 35(1). As the

processing commenced one week prior to final sign-off of the DPIA, the DfE failed to meet this obligation.

Additionally, in the absence of a risk assessment prior to processing, it was not possible to establish levels of residual risk and whether or not prior consultation with the ICO was required.

Once your assessment was completed it concluded that no residual high risk was present. You have not engaged the requirement to consult with the Commissioner as provided by Article 36 of the GDPR. It should therefore be noted that our views and advice in this letter do not constitute 'Prior Consultation'. We are providing the following advice and observations under the Commissioner's general duty to inform controllers of their obligations and aid compliance.

It should be noted that this advice is without prejudice to any future intervention by the Commissioner in accordance with his tasks and powers, in line with his Regulatory Action Policy. We do not approve DPIAs or proposals for a service. Our role is to provide advice to aid compliance with the data protection legislative framework.

Description of the processing

It is not clear whether this processing relates to new data collection. On page six it is stated that there is 'an expansion of existing data collection'. Whereas, in other places throughout the DPIA it is stated that there are no new data collections. This is confusing and may benefit from further clarification. Otherwise the description of the data flows and the identity of the parties involved seems reasonably clear.

Controllers and processor

As the processing involves the sharing of data between two controllers, a school or Multi-Academy Trust (MAT) and the DfE, we would expect to see reference to a data sharing agreement (DSA) setting out the roles and responsibilities of each controller.

For example, the DPIA states that Wonde will ask schools to share their daily attendance data. As a processor, Wonde can only do this on the instruction of the DfE, an example of a data sharing transaction between two controllers. The DPIA hints at a DSA between the controllers, but it would be improved by clearly addressing how Article 26 is complied with, and, if this is by means of a data sharing agreement, to provide details. The DPIA also states that schools enter into the processing on a voluntary

basis, underlying their role as controller and also suggests that they too have a responsibility to undertake a DPIA.

Wonde are also described as a processor acting for over 19,000 schools in the processing of school data. It is important, therefore, that the contractual terms on which the DfE employs Wonde solely reflect the role that they are being asked to perform in relation to the processing which is the subject of the DPIA. The DPIA would also be improved by confirming that the DfE has had regard to Article 28 and that the contract with Wonde is compliant with its requirements.

International transfers

The DPIA states that the DfE will store data in the MS Azure cloud, based in the Republic of Ireland and the Netherlands, and that they have obtained "Offshoring Approval". As this term is not defined, it is not clear whether the required safeguards for such transfers are in place, and the DPIA should provide clarity on this. This contrasts with the statement that Wonde stores data within the Amazon Web Services data centre in Ireland, and that such transfers can take place under the UK/EU adequacy decision.

Necessity and Proportionality considerations

Lawful basis

At section 2a, the DPIA states that Public Task Article 6(1)(e) is the lawful basis for the processing. However, despite a prompt in the template, the DfE does not confirm the specific legislation underpinning this lawful basis and how the necessity test is met. This would appear to be an issue with the format of this document, where authors are asked to add an X to the correct box, but then are also asked to confirm the specific legal basis for any 'exercise of official authority'.

Three pieces of legislation are quoted later on in section 17, and so the DPIA should make clear whether the controller is relying on them in support of their lawful basis.

Alternatively, public task can also be specified as a specific task in the public interest that is set out in law. Either way, establishing the necessity for this processing is key to reliance on this lawful basis. If the task or power can be exercised in a less intrusive way, then the lawful basis cannot apply.

Special category data (SCD)

The DPIA identifies Article 9(2)(g) as the processing condition (substantial public interest) in respect of the SCD. There are 24 substantial public interest conditions provided for under UK law under the gateway provided by Article 9(2)(g), many with specific tests or further requirements to satisfy. However, DfE does not identify, as is required, a specific public interest condition set out in Part 2 of Schedule 1 of the DPA 2018 which this processing can meet. As discussed with public task, this may be partially attributed to the format of the document itself, or a possible training need on its completion.

The controller should also demonstrate how the condition applies, and, how the processing is necessary for reasons of substantial public interest, if the chosen condition requires this. Most of these conditions also require the controller to have an appropriate policy document in place, and again there is no reference to this in the DPIA. A failure to have an appropriate policy document in place at the time the processing is undertaken would have serious consequences for compliance with any condition.

Other necessity and proportionality considerations

The DPIA does explain the legitimate purposes for the processing, and its necessity in terms of informing government policy around school attendance in response to the pandemic. It states that the daily data collection will allow the required level of analysis in relation to school attendance in the context of the Covid recovery phase, for example to "support schools/MATs in taking early action, identifying trends and issues requiring immediate action and support children in their care." It also states that the sharing back of data with the schools will help to reduce the burden of manual data collection and better support operational planning.

However, the necessity of the processing is brought into question in the context of the declared retention period for the data of 66 years. The DPIA does not adequately explain why such a long retention period is required, nor why, if, as is stated, this is for the purpose of long-term analysis, the options of anonymisation (which is mentioned in the context of archiving) or pseudonymisation are not explored at an earlier stage.

As the benefits of the use of manually extracted daily attendance data became apparent in the context of the pandemic, and it is this that has prompted its use in the pandemic recovery phase by automated means,

the DPIA should consider the necessity and proportionality of the processing in the event of a return to pre-pandemic normality.

Compliance with DP principles

There is no systematic assessment of compliance with the principles, although there are sections on security, quality, data minimisation and retention. Insufficient detail is provided to demonstrate how the principles of purpose and storage limitation are complied with:

Purpose limitation

Section 7 refers to the archiving of data deemed unnecessary for the controller's purposes on annual review. It states that this data will be anonymised. The DPIA should provide more detail on the review process (for example, the process for determining that the data is unnecessary) and the process of anonymisation in order to demonstrate the purpose of the archiving and that there is no processing of personal data which is incompatible with the legitimate purposes of the original processing. If the controller is relying on archiving in the public interest or for historical research purposes, the DPIA should demonstrate how the requirements of Article 89 are met.

Storage limitation

The DPIA should provide a more detailed justification for the 66-year retention period, which we are told is to enable long term analysis. As drafted, it does not describe the nature of the long-term analysis and nor does it identify which other datasets the data may be linked to in order to carry out the analysis.

The DPIA also states that the controller will be able to monitor the impact of Covid "into employment". The DPIA does not make clear why such monitoring is necessary for such a long period of time.

Compliance with data subject rights

Right to be informed – the DPIA indicates that data subjects and parents "will be" informed about the processing via specific DfE privacy notices and that schools "will be" updating their privacy notices to include the sharing of data with the DfE. As schools are obtaining data from the data subjects, we observe they should have provided information on the purposes of the processing at the point of the processing commencing. Similarly, the DfE, although not obtaining the data directly from the data subjects, was in a position to update its privacy notice prior to commencement of the processing.

In relation to rights around automated decision-making and profiling, section 23 of the DPIA asks whether the initiative involves profiling. The response; "No automatic profiling" is assumed to be a typo and should read "No automated profiling".

Assessment of risk

Only three risks are identified.

The first two risks are given some consideration in relation to the impact on data subjects though, this could be articulated more precisely. But, the third risk (retention of data for longer than necessary) is only identified in terms of exposing the DfE to challenge. Whilst it can be legitimate to consider such risks in the assessment, the controller should do more to identify the risks to data subjects which could occur from such contravention of the storage limitation principle (i.e. accuracy or adequacy of ongoing processing).

In terms of data loss and sharing data in error, this risk appears to be articulated in the context of the relaying of data back to the schools, MATs, and local authorities only. Such data security risks could also be identified in relation to storage in the MS Azure and AWS cloud. In view of the scale of the processing, it is important that security risks are fully considered and assessed.

Safeguards to reduce risk

In relation to the first risk (data subjects unaware that their personal data is being shared in this way), an important mitigation is omitted, i.e., the use of privacy notices and other measures (as mentioned in the DPIA) to inform pupils and their parents about how the attendance data will be used.

As referred to above, if additional security risks are identified, further detail could be provided for the security measures the controller has in place to mitigate them.

Section 3: Sign off and outcomes

Finally, we would wish to highlight the brief comments attributed to the DPO in the sign-off section of the DPIA (section 3). While the risks are acknowledged as very low, meaning engagement with the ICO is not a statutory requirement, engagement with the ICO is advised. It is unclear what the status of this advice is, given the risks appear to have been considered one week after the processing has begun.

I hope that these comments are useful and should you have any queries please feel free to contact me.

Yours sincerely



Mrs Hafeeza Joorawan
Senior Policy Officer – Relationship Management
Service

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**For information about what we do with personal data
see our [privacy notice](#)**

Please consider the environment before printing this email

From: [REDACTED]
Sent: 16 March 2022 14:44
To: Hafeeza Joorawan; [REDACTED]
Subject: RE: ICO advice to DfE re DPIA - Strategic data collection (Daily attendance data) 20220315

External: This email originated outside the ICO.
Hafeeza

Firstly apologies for the late acknowledgement to your email and points, I was at the mercy of IT gremlins yesterday, but it did give [REDACTED] and I the chance (as we were in the same place) to go through your letter line by line in the good old fashioned way with pen and ink!

We very much appreciate it and it has shown us how we need to bring together the suite of documents which support the DPIA (such as now we handle risks around data security and data held overseas) as well as recording some of the issues we have as risks (in this case the departments dogged adherence to the GDS standards on gov.uk preventing us publishing privacy notices, not just this one).

We would like a proper catch up with you next week so that we can talk you through this but I didn't want you to think we didn't appreciate all the hard work

Kind Regards

[REDACTED]

[REDACTED]

[REDACTED]

2 Rivergate, Bristol, BS1 6EW | Tel: [REDACTED] Web: www.gov.uk/df

From: Hafeeza Joorawan <Hafeeza.Joorawan@ico.org.uk>
Sent: 15 March 2022 09:40
To: [REDACTED]
Subject: ICO advice to DfE re DPIA - Strategic data collection (Daily attendance data) 20220315

Dear [REDACTED]

I hope that you are well.

Please find attached ICO advice regarding the DPIA for Strategic Data Collection for your consideration.

Could you also confirm the position regarding the accessibility of the DPIA and associated documents as I understand there were some technical issues in this regard.

With kind regards

Hafeeza



Mrs Hafeeza Joorawan
Senior Policy Officer – Relationship Management Service

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

T. 03304146541 F. 01625524510 ico.org.uk twitter.com/iconews

Email Hafeeza.Joorawan@ico.org.uk

I have flexibility in the way that I work, I'm sending this message now because it suits my work hours. I don't expect that you will read, respond to or action this message outside your usual hours.



My usual working days are Monday to Thursday.

For information about what we do with personal data see our [privacy notice](#)

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