

About the National Pupil Database

The National Pupil Database (“NPD”) is an administrative ‘melting pot’. It is a single dataset created by joining up 23 different data collections, each repeated on a termly or annual basis, each controlled by the Department for Education (“DfE”). The NPD contains data (child-level and school-level) on all pupils in state-funded education in England since 1996. After collection, the data is retained indefinitely¹.

It contains personal information about children who are aged between 0 and 18 at the time of collection, and who are in state-funded education and/or Higher Education or who are looked-after-children (LAC) and children-at-risk / children in need (CiN). According to the Department, it is used for ‘*funding purposes, school performance tables, policy making and research*’. Neither this description nor the published data protection impact assessment mention all of the re-uses in practice, including commercial re-use, or by other government departments such as the Home Office and police access, or access via court orders.

The data Tier definitions in the Department for Education External Shares data register describe how identifying and how sensitive each grouping is, and none is not identifiable. Source: <https://www.gov.uk/government/publications/dfe-external-data-shares>

The NPD is DfE’s “primary data resource about pupils” and “one of the richest data resources about education in the world” according to the Data Protection Impact Assessment first carried out in 2019,² at that time holding over 21 million individuals’ named records increasing by around 1 million each year (~700K start school plus FE/HE entrants).

Despite “fair processing” obligations set out in law—the duty to inform people how personal data is collected, used, and of our rights—³ the majority of parents we polled through Survation in 2018, did not know the National Pupil Database exists. 69% of 1,004 parents replied that they had not been informed that the Department for Education might give away children’s data to third parties.⁴ The ICO noted in its audit that many parents and pupils are either entirely unaware of the school census and the inclusion of that information in the National Pupil Database “or are not aware of the nuances within the data collection, such as which data is compulsory and which is optional.” (ICO, 2019)

Where does the data come from?

According to the DfE there are 23 separate collections used to build the NPD.⁵ Pupil data for the NPD is sourced from information provided by educational settings, examination bodies and Local Authorities on an ongoing basis and is often linked to a statutory duty. There are seven different statutory censuses that collect pupil-level (not aggregated) data from

¹ Recent documents in 2022 have mentioned a 66-year retention plan but the 2019 Data Protection Impact Assessment (DPIA) did not.

² Data Protection Impact Assessment first carried out in 2019

https://www.whatdotheyknow.com/request/pupil_data_alternative_provision#incoming-1375464

³ https://defenddigitalme.org/wp-content/uploads/2022/11/CBDS_RFC_1201_-_School_census_changes.pdf

⁴ <https://survation.com/wp-content/uploads/2018/03/Defend-Digital-Me-Final-Tables.pdf>

⁵ Find and explore data in the National Pupil Database <https://find-npd-data.education.gov.uk/>

educational settings starting with Early Years. Schools provide personal data about each pupil at the named level on an ongoing basis, primarily through the school census three times a year, once each term.⁶ A UPN is automatically allocated to each child in maintained schools in England and Wales, but for some it is assigned outside and prior to education; for example, to unborn children in teenage pregnancies labelled CiN. **(See fig 1. at the end of the briefing for a defenddigitalme summary table as of 2020).**

Data is collected from every state-funded educational setting from nursery to the end of the stage of secondary education, including special schools, PRU, hospital and prison settings. Voluntary Equality Monitoring data from university students, including disability, sexual orientation and religion, are also added to the individual named record when someone applies to Higher Education via UCAS and the data is processed via HESA and JISC.

Significant dates

- 1996 The annual school census expands from aggregated pupil data to individual level.
- 2002 The school census expands to add pupil names to individual-level pupil records.⁷
- 2012 Change of laws to enable distribution of individual-level named records to a wider range of third parties, including for commercial re-use.⁸
- 2016 Controversial collection of pupil nationality in the school census began.⁹
- 2017 Higher Education and Research Act expands the data stored indefinitely in the NPD to include religion and sexual orientation from equality monitoring data¹⁰.
- 2018 Sensitive fields are added to the Alternative Provision census including youth offender, pregnancy and mental health indicators.¹¹
- 2016 Controversial collection of pupil nationality in the school census ends.
- 2019 DefendDigitalMe legal team submits 118-page case to the data regulator (the ICO)
- 2020 January: Sunday Times exposes breach of Learner Records Service dataset
- 2020 February-March: ICO 2-week audit of the DfE
- 2020 October: ICO published executive summary¹² of findings with 139 serious failings¹³. Including the DfE commercial dept. "did not have appropriate controls in place to protect personal data being processed on behalf of the DfE".
- 2021 DfE confirms that nationality and Country of Birth data was deleted in autumn 2020
- 2020 CiN census expands to collect highly sensitive and detailed "categories of abuse"

⁶ Prior to 2007, the Schools Census dataset was known as the Pupil Level Annual Schools Census (PLASC). Comprehensive PLASC data was first collected in 2002, including individual pupil names.

<https://www.gov.uk/guidance/complete-the-school-census/census-dates>

⁷ BBC News 2002 <http://news.bbc.co.uk/1/hi/education/1765816.stm>

⁸ On November 6, 2012, Michael Gove announced plans to open up the National Pupil Database for commercial re-use. "It could also help stimulate the market for innovative tools and services."

<https://publications.parliament.uk/pa/cm201213/cmhansrd/cm121106/wmstext/121106m0001.htm>

⁹ Boycott School Census timeline <https://defenddigitalme.org/my-school-records/boycottschoolcensus/>

¹⁰ The Department for Education (DfE) holds sexual orientation data on almost 3.2 million people, and religious belief data on 3.7 million people. The records go back to 2012/13, so include both current students and those who have finished university. <https://defenddigitalme.org/2019/07/27/statement-on-student-religion-or-belief-and-sexual-orientation-data-in-the-national-pupil-database/>

¹¹ AP census expansion without telling families <https://defenddigitalme.org/my-school-records/alternative-provision-census/>

¹² The ICO executive summary of the DfE Audit (2020)

<https://defenddigitalme.org/wp-content/uploads/2021/10/department-for-education-audit-executive-summary-marked-up-by-DDM-Jan-2021.pdf>

¹³ DfE blog on the audit findings

<https://defenddigitalme.org/2022/10/07/the-ico-audit-of-the-department-for-education-two-years-on/>

at pupil level.¹⁴

- 2022 Nearly 3 years after the Learner Records Service breach was exposed in the press coincidentally during the 2020 audit, the ICO announced a DfE reprimand with no action to be taken against the commercial company directors.¹⁵
- 2022 The DfE began a further real-time pupil data expansion this year in February¹⁶ to collect attendance / absence twice daily and when the ICO requested it should stop, the DfE refused. DDM challenge based on the excessive retention period of 66 years, was refused permission by the courts.
- 2023 From January 2023, the DfE starts collecting a "young carer" label that the school can add onto records, again without asking for permission or telling families about it, or how pupil records are given away to commercial companies among other third parties.¹⁷
- 2024 The DfE announced that a new label will be added in 2025 of Down's Syndrome¹⁸ with mixed response from advocacy organisations and many share our own concerns.¹⁹

How is the personal data in the NPD used and by whom / when

These DfE data tables provide links to show the exact data items available for reuse:

- [Higher Education Statistics Agency \(HESA\)](#) (MS Excel Spreadsheet, 61.7 KB)
- [Individualised Learner Record \(ILR\)](#) (MS Excel Spreadsheet, 399 KB)
- [National Pupil Database \(NPD\)](#) (MS Excel Spreadsheet, 1.22 MB)
- [School Workforce Census \(SWC\)](#) (MS Excel Spreadsheet, 34.8 KB)

Since education is a devolved matter it is worth noting that this NPD use applies to England, and other nations have their own datasets but none at the level of intrusiveness or detail.²⁰

A table of questions asked about the NPD tabled in Parliament between 2015-20 can be found in our State of Data 2020 report See: **5.14 Table of Parliamentary Questions referenced in research** <https://defenddigitalme.org/research/the-state-of-data-2020/report/#h.9y5h46cu5ngg>

Who can access what data from the National Pupil Database

Research

Anyone who meets the criteria determined by the DfE and wants to access DfE controlled personal data can do so through two routes.

The first, adopted recently in 2018, enables access via the Secure Research Service at the Office for National Statistics, and they must be accredited under the [ONS approved researcher scheme](#). Once they are an [ONS approved researcher](#) and an application for data has been approved by DfE, there are 3 ways they can access DfE data for approved projects through the Secure Research Service in physical labs at 1 of 5 ONS locations across the UK, in a safepod: available for approved researchers or by remote access: once

¹⁴ CiN categories of abuse
https://assets.publishing.service.gov.uk/media/60743257d3bf7f401659fd90/CIN_Additional_guide_on_the_factors_identified_at_the_end_of_assessment.pdf

¹⁵<https://ico.org.uk/about-the-ico/media-centre/news-and-blogs/2022/11/department-for-education-warned-after-gambling-companies-benefit-from-learning-records-database/>

¹⁶ <https://defenddigitalme.org/2022/09/16/news-challenging-the-department-for-education-on-excessive-pupil-data-collection/>

¹⁷ <https://defenddigitalme.org/2023/01/19/school-census-expansion-2023-young-carers/>

¹⁸ <https://schoolsweek.co.uk/new-down-syndrome-law-to-improve-life-outcomes-and-opportunities/>

¹⁹ <https://defenddigitalme.org/2024/03/04/downs-syndrome-to-be-added-to-the-school-census/>

²⁰ <https://defenddigitalme.org/research/the-state-of-data-2020/report/#h.x57rqi2lehn1> State of Data 2020 DDM report "5.2.1 Table comparison of all UK national pupil databases"

an organisation meets security standards and has organised connectivity with ONS, they can access data online using their own equipment subject to specified conditions. ONS SRS users are asked to sign a data sharing agreement, memorandum of understanding, or a commercial contract.

The second route at the Department for Education, does not have the same safeguards of the first. Users who cannot meet the standards required of the ONS in secure settings, can ask the DfE to receive raw data directly. The DfE describes²¹ this as, “*where the SRS is not suitable*”. This was the original process in place and documented since 2012, through which data users included journalists and commercial business users who do not meet the quality standards required by ONS approved researcher status. The Department began only in 2016 to publish and confirm destruction dates in the [Third-party-release register](#).

Today one might argue these use cases have improved to reflect ‘public interest’ research and carried out in safe settings. Where it is more high risk is the release outside those settings to commercial bodies such as journalists and charities, or estate agents in the past. We are concerned that the 2024 Data Protection and Digital Information Bill undermines this definition of research and will move back towards the wide commercial reuse of pupil data.

Home Office

According to the DfE update published on [September 14, 2023](#), from July 2015, until June 2023, the Home Office has asked the DfE to match the personal details of 7,109 people and the DfE did so for 1,792. It continues to be used monthly for immigration enforcement²², re-use that we contend is unlawful because the purposes are incompatible with those that permit its collection in the first place, in the Education Act 1996, but the ICO has disagreed and refused to act on our collective complaint made in 2023.²³

Court Orders

According to the DfE update published on [September 14, 2023](#), from July 2015, until June 2023, the personal details of 165 children were shared under Court Order. According to the DfE, a family solicitor, or a Family Court, may order the Department for Education to release personal data it holds by granting a Disclosure Order. The required information is usually limited to a child’s last known home address and address of the school he/she was last known to be attending. This is usually for the purposes of trying to locate missing children. The Department complies with such Court Orders and the release of any personal data if made under Schedule 2, Part 1, Paragraph 5 of the Data Protection Act 2018.

Police

According to the DfE update published on [September 14, 2023](#), from July 2015, until June 2023, the police asked the DfE for the personal details of 2,198 individuals. The bulk of this was in a single request made in November 2019, for all 2,136 pupils who attended a specified school during a four year period to aid in a criminal “fraud” investigation. We have not been able to get any more details about this use case since. In the most recent four months in 2023 on record, the police were given a handful every month, which was a change in the previously far more sporadic pattern.

²¹ <https://www.gov.uk/guidance/apply-for-department-for-education-dfe-personal-data#exemptions>

²² <https://www.theguardian.com/politics/2019/jan/13/schools-census-used-for-immigration-enforcement-minister-says>

²³ <https://defenddigitalme.org/2023/03/21/call-for-action-from-the-uk-information-commissioner-to-uphold-childrens-rights-in-the-hostile-environment/>

DWP

The DfE appears now to routinely approve the Department of Work and Pensions requests to use the NPD as a national ID validation check for benefit fraud, comparing the people the DWP ask the DfE to find with children's pupil records.²⁴

The requests 2023-0028896, 2023-0028898 and 2023-0028900 show that personal data was requested by DWP for at least 7 children to establish if DfE holds a record of those children being registered at school. One of the flaws in the process using this database to identify children, is that not every child is registered at the DfE if privately educated or is at a non-state funded institution or educated through Elective Home Education.

In April 2018, a trial request was received by the DfE involving 185 child identities (name and DOB) to be checked against the National Pupil Database. This information was requested for the purpose of an investigation into benefit claims for fictitious children under DWP's statutory and common law functions to a) investigate benefit fraud, and b) impose penalties or refer for prosecution in respect of suspected benefit fraud. Where a successful match was found in the NPD, a 'Y' to indicate a possible record for that child was provided to DWP – **this was only provided for one child as there was only one child where a match on name and DOB was found.**

The details about this were not public until Schools Week reported on it in May 2024.²⁵

How often is data given away?

The DfE register of data distribution is complex and hard to get a clear overview from, to work out what data was released when to whom and for how long. We have invested a great deal of time to match the organisational names– clean the data tables, remove duplicates, make spelling corrections– to work out how often how much data is given away.

Around 300 data applications are approved each year to applicants outside the DfE. The register between 2012-2016 states 887 external requests were made to the Data Management Advisory Panel ([DMAP](#)). A separate 2017 Parliamentary Question²⁶ confirmed [over 1700 unique releases were approved](#) in the five-year time period, and that “these include both the Department's and external requests.” The register recorded 15 rejections. The reply to another parliamentary question, states that [25 in total have been refused](#). According to research by defend digital me, identifying pupil data had been shared externally in around 2,000 releases until the last count in September 2022.

Under [external pressure](#), and prior to the GDPR commencement, processes have improved. Since the 2020 audit by the ICO the nature of distribution does appear to have become more stringent and a greater share of requests have been made through the ONS – however some remain unsafe outside the 5-safes process. The share of the balance of access through ONS settings over the DfE DMAP release approvals process has increased since 2020 which is a safer process but the old one has yet to stop. The key difference is that even to trusted accredited researchers, in secure settings, ONS “5-safes” process gives only

²⁴ FOI via WDTK https://www.whatdotheyknow.com/request/pupil_data_dwp_pupil_matching_re

²⁵ <https://schoolsweek.co.uk/revealed-secret-deal-to-let-benefit-fraud-squad-snoop-on-pupil-data/>

²⁶ <https://questions-statements.parliament.uk/written-questions/detail/2017-01-10/59403>

access to the data and knowledge from it. In the DfE non-ONS process the DfE gives away raw data. Which means it can be copied, re-distributed and no one would know.

In 2015 [an email obtained via FOI in 2015](#), showed the Department sought “[cast-iron assurances](#)”, that the data the Telegraph would publish would not identify children. The data the journalists were given are from Tier 2, identifying and sensitive data, including special needs, free school meals, ethnicity and attainment, longitudinal records for about nine million children across multiple years of their education. If the data had not been identifying, the newspaper wouldn't need to give such an assurance. The Telegraph was subsequently found to have retained the data beyond its due-by destruction date but because the DfE had never audited any recipient and had no process to check. It wasn't found until after [we asked questions](#).

The DfE opened up access to a far wider range of users in 2012, including commercial companies, in order “[to maximise the value of this rich dataset](#)“. But that value has rarely been realised by the children the data come from, if at all.

Defend Digital Me contends that this DfE workaround of the safe process continues and is therefore unsafe, less transparent and with reduced oversight, to enable commercial users to access children's identifying and sensitive records at scale that appear otherwise recognised (eg by the ONS) as inappropriate procedures.

What data is given away?

All the releases and reuses may include *every child's data collected in the school census*. It is impossible to see the volume of data released in each request but most are for several years, meaning it is for **millions of records in each single release**. When asked in parliamentary question, the DfE said it was unable to confirm which users' data was in which release. This means we cannot know which company or journalist or charity got our data and we can only make a best guess based on each request in the register.²⁷

The data items that can be released range from name to date-of-birth and address, through special educational needs and health-related data, lifetime attainment, reasons for absence and exclusions such as theft, and violence, and can be seen in the summary ([pp 26-35](#)). Every one of these releases is identifying data. [For more detail see [our 2017 review](#).]

The DfE has relied on each receiving organisation not [publishing](#) the pupil-level data to protect pupil confidentiality, but hands out identifying pupil data without [small numbers suppression](#). No one can know if data is redistributed and therefore 'published' to others.

Defend Digital Me is concerned in particular that

(a) Records of children in need of child protection are inadequately shielded.

The CIN census²⁸ is a statutory social care data return made by every LA to the DfE, it captures information about all children who have been referred to children's social care regardless of whether further action is taken. As of 8 September 2022, there were only 70 individuals flagged for shielding and that includes both current and

²⁷ DfE third party data distribution register <https://www.gov.uk/government/publications/dfe-external-data-shares>

²⁸https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1066288/Children_looked_after_by_local_authorities_in_England_-_guide_to_the_SSDA903_collection_1_April_2021_to_31_March_2022.pdf

former pupils. There were 23 shielded pupil records collected by the Department via the 2022 January censuses (covering early years, schools and alternative provision). No statement or guidance is given direct to settings about excluding children from returns to the DfE. As of 22 September, there were 2,538,656 distinct CiN (any child referred to children's social care services within the year) / LAC child records (going back to 2006), regardless of at-risk status, able to be matched to some home address information via other (non CiN / LAC) sources included in the NPD.²⁹ Data is highly sensitive and detailed, including "categories of abuse".

(b) Higher Education students are unaware that by providing equality monitoring data, the Department for Education (DfE) among other bodies, will retain the volunteered sexual orientation data, religion, disability data and add it into their pre-existing named record ("the NPD") begun in state education and including children's social care record held by the DfE, as early as birth.

Today the DfE holds sexual orientation data on almost 3.2 million people, and religious belief on 3.7 million people. Records go back to 2012/13, so include both current students and those who have left. There are no special safeguards seen in the DPIA or in education laws applied to the DfE, on its processing although the DfE says it does not give away this data you can see your own by making a SAR.³⁰

(c) The (secondary) law that enabled the collection of nationality and country-of-birth data in the school census remains in place, despite the end of the processing and destruction of the data collected between 2016-18. The data is still collected at local levels. There is nothing in law that prevents its disclosure from schools to the DfE being restarted, especially now given the API directly in place between Wonde and the DfE twice daily for live attendance data. Each time data is released, it is not for a single pupil, but likely for millions of children in volume in each release of identifying, individual pupil-level, data.

The NPD has also been linked to other datasets, including HESA, HMRC and DWP (to create LEO) before distribution or access via the ONS, and there is a routine MOJ-linked dataset.

The longitudinal educational outcomes dataset (LEO data)³¹ is perhaps one of the least well understood data-linkage projects outside of the departments with the widest impact since 2017³², and has had a leading role in re-shaping UK Higher Education and the 'low values' degrees policies and agenda of this government.

²⁹ https://www.whatdotheyknow.com/request/pupil_data_children_at_risk_data#incoming-2134108

³⁰ <https://defenddigitalme.org/2023/04/02/does-your-national-school-record-reveal-your-sexual-orientation/>

³¹ <https://www.gov.uk/guidance/apply-to-access-the-longitudinal-education-outcomes-leo-dataset>

³² <https://wonkhe.com/blogs/a-beginners-guide-to-longitudinal-education-outcomes-leo-data/>

The dates each year when fresh data becomes available to third parties

Each year, sometimes multiple times each year, the personal data collected in the previous collection period is made available to data users on a fixed schedule. I.e In January Spring School Census data is available from June (six months later) after its processing at the DfE.

Release Timetable	
Dataset	Month(s) when data are normally released
Early Years Census	July
Early Years Foundation Stage Profile ¹	November
Phonics ¹	September (version 1), November (final)
Key Stage 1 ¹	September (version 1), November (final)
Multiplication Tables Check	November
Key Stage 2 ¹	September (unamended), December (amended), March (final)
Key Stage 4 ¹	November (unamended), January (amended), April (final)
Key Stage 5 ¹	November (unamended), January (amended), April (final)
Alternative Provision	June
Children in Need	March
Children Looked After	March
Spring Census	June
Summer Census ¹	August
Autumn Census	January
Absence ¹	June (1-term), October (2-term), March (whole academic year)
Exclusions	July
Post-16 Learning Aims (PLAMS)	February
National Client Caseload Information	March
Young Person's Matched Administrative Dataset (YPMAD)	April

Legal basis (as stated by the DfE)

In 2017 The Secretary of State for Schools, Nick Gibb, answered a parliamentary question on what basis journalists can access **identifying and sensitive health data about children's special educational needs** from the National Pupil Database.

The answer given was that, *“any request to use National Pupil Database data is only processed if it complies with the requirements of the Education (Individual Pupil Information) (Prescribed Persons) (England) Regulations 2009, made under section 537A(4) of the Education Act 1996 and the Data Protection Act 1998. As part of the approval process officials, including senior data experts and legal advisers, assess each application for legality, proportionality and security. The panel must also be satisfied that the access requested is ethical and of value to education. If journalists are able to meet these standards, their request will be considered.”*³³

The legislation involved includes:

- s.114 Education Act 2005; <http://www.legislation.gov.uk/ukpga/2005/18/section/114>
- s.537A Education Act 1996; <http://www.legislation.gov.uk/ukpga/1996/56/section/537A>;
- 2009 Regulation 6 (d) of the Education (Individual Pupil Information) (Prescribed Persons) (England) Registrations 2009: ‘research into educational achievements of pupils’; <http://www.legislation.gov.uk/uksi/2009/1563/made>;

³³ Question for Department for Education UIN 109114, tabled on 23 October 2017 <https://questions-statements.parliament.uk/written-questions/detail/2017-10-23/109114>

- The Education (Individual Pupil Information) (Prescribed Persons) (England) (Amendment) Regulations 2010
<http://www.legislation.gov.uk/uksi/2010/1940/contents/made;>
- The Education (Individual Pupil Information) (Prescribed Persons) (England) (Amendment) Regulations 2013
<http://www.legislation.gov.uk/uksi/2013/1193/contents/made;>
- Education (Information About Individual Pupils) England Regulations 2006: designates the Local Authority as a ‘relevant person’ for s.537A(2)(b);
- s.64, chapter 5, Digital Economy Act 2017: authority to share for research purposes;
- s.5 Statistics and Registration Service Act 2007 (Disclosure of Pupil Information) Regulations 2009: information disclosed may only be used for ‘population statistics’, ‘making arrangements for a census’ and ‘assessment of census returns’;
- The Children Act 1989 <http://www.legislation.gov.uk/ukpga/1989/41/section/83;>
- Special Educational Needs (Information) Act 2008
<http://www.legislation.gov.uk/ukpga/2008/11/contents;>
- Education and Inspections Act 2006
<http://www.legislation.gov.uk/ukpga/2008/11/contents>

Data protection legislation requirements include

- Principle 1 Data Protection Act 2018, states that any data processing must be lawful and fair. These obligations cannot be set aside;
- Art.6(1) GDPR: the processing is only lawful if it is ‘necessary’ and proportionate;
- Data Protection Act 2018: processing in the public interest as defined in art.6(1)(e);
- Sch.1 s.1(4)(a-c) DPA 2018: permits processing of sensitive data if it is for research purposes, carried out lawfully and is in the public interest.

Children’s data rights are ignored with respect to the National Pupil Database

- Right to Rectification—families cannot correct errors they do not know exist
- Right to Erasure—families are not offered any way to delete inaccurate data
- Right to Object to processing³⁴ (as above)
- Right to Restriction of processing (as above)
- Subject Access Rights³⁵ there is no clear route for competent children to follow
- Distribution to third parties has **repurposed** the pupils’ personal data collected for the purposes of their direct education, and not minimised or ever anonymised, in breach of multiple data protection principles.

Controversial use for immigration enforcement by the Home Office

In July 2015 the DfE began handing over data in secret to the Home Office under a new Memorandum of Understanding including for the purposes of furthering the Hostile Environment and “illegal immigration”. More details can be read about this and the 2016 school census expansion in the #BoycottSchoolCensus timeline.³⁶ In late 2019 the

³⁴ The Right to Object is never mentioned in DfE documentation or school census privacy notice. The Centre for Information Rights (University of Winchester) has carried out a project on this and lack of ability to exercise it <https://www.winchester.ac.uk/about-us/leadership-and-governance/our-faculties/lcj/centre-for-information-rights/right2object-project/index.php>

³⁵ Subject Access Requests is relatively new at the DfE and the response creates data that is not easily understood (no key is provided for coded data) and there is no route for correction of mistakes. The DfE cannot tell you where your own data has been passed on to among any of its distribution.

³⁶ School Census 2016+ <https://defenddigitalme.org/my-school-records/boycottschoolcensus/>

nationality and country-of-birth data collected in the school census, and intended for the Home Office in that MOU, “once collected” was destroyed. The monthly handovers of other data continue. In March 2023, together with over 25 UK-based NGOs and human rights advocates, including the Institute for Race Relations; Liberty; Privacy International; and [Against Borders for Children](#) — DDM wrote to the Information Commissioner calling for enforcement action.³⁷

Most recent concerns

The pupil level data collections continue to expand but no new safeguards are ever added. The DfE began a further real-time pupil data expansion in January 2022³⁸. We wrote to the ICO with concerns due to excessive processing and retention without clear grounds given that the DfE could work with aggregated data or retain anonymised statistics on attendance as it has no remit for pupil level interventions. In May we made a request for information via FOI as little had been forthcoming. [The communications and documents that the Information Commissioner’s Office \(“ICO”\) subsequently released in response to our Freedom of Information Request](#) in July, show that **at the time when the data collection started, the DfE had not in fact worked with the ICO on its DPIA, contrary to the DfE’s initial communication to schools (which the ICO subsequently asked it to edit /retract)**. Nor had the DfE had a Data Protection Impact Assessment (“DPIA”) as it had said, signed off before processing began, as required by law.³⁹

The ICO asked the Department to pause the high risk data collection, and carry out the risk assessment. The Department declined to pause. None of the ICO listed concerns appear to have been addressed on the unclear legal basis for necessary and proportionate collection, excessive retention, purpose limitation, and security.

Despite this, DDM was refused permission by the courts to pursue a challenge based on the excessive retention period of 66 years and the substantial issues identified by the ICO.

Furthermore, starting from January 2023, the DfE added a “young carer” label that the school was asked to add onto records, again without telling schools that they have an obligation to inform pupils/ families (a) the label will be put on a child’s record and (b) how NPD records are given away to commercial companies among other third parties re-use; and (c) of their rights.⁴⁰ And the DfE announced in 2024 that a Down Syndrome label will be added in 2025.⁴¹

The DWP re-use mentioned previously is a sign of the risks of the NPD should nothing change. Our views are therefore summarised in a May 2024 blogpost on our website: <https://defenddigitalme.org/2024/05/10/comment-secret-deal-lets-benefit-fraud-squad-snoop-on-pupil-data/>

³⁷ Call for action from the UK Information Commissioner to uphold children’s rights in the Hostile Environment (March 2023) <https://defenddigitalme.org/2023/03/21/call-for-action-from-the-uk-information-commissioner-to-uphold-childrens-rights-in-the-hostile-environment/>

³⁸ <https://defenddigitalme.org/2022/09/16/news-challenging-the-department-for-education-on-excessive-pupil-data-collection/>

³⁹ See final ten pages of the bundle for the ICO findings

https://www.whatdotheyknow.com/request/prior_consultation_article_364#incoming-2086686

⁴⁰ https://defenddigitalme.org/wp-content/uploads/2022/11/CBDS_RFC_1201_-_School_census_changes.pdf

⁴¹ <https://schoolsweek.co.uk/new-down-syndrome-law-to-improve-life-outcomes-and-opportunities/>

Fig 1 A National Pupil Database Record over a child's lifetime



<p>▶ Early Years Census About a Child <i>plus</i> Early Years pupil premium 2-year-old basis for funding and 30-hour code Class information (nursery class or not) Funded universal entitlement Hours at setting and unit contact time Ofsted EY unique reference number School childcare Setting address, hours, staffing and contact details</p>	<p>▶ Alternative Provision Census About a Child Personal indicators on each pupil record School-assigned characteristics <i>plus</i> Attendance pattern Exclusion and reasons for exclusion(s) Home information Placement module Reasons for transfer SEN provision URN previous school</p>
<p>▶ School Census About a Child Personal Indicators School-assigned Characteristics <i>plus</i> Admission appeals Enrollment status Exclusions for both on and off roll pupils Home information Learning support code Post looked-after arrangements PRU or AP provision indicators Pupil data of entry Pupil date of leaving School identifiers and Establishment number Termly attendance* Various funding details</p>	<p>▶ Looked After Children Census About a Child Personal Indicators <i>plus</i> Date of birth of mother's child Details on adoption or guardianship Episode of care information Immunisations/ Dental /Health data Missing children data Motherhood status (is the child a mother?) Placement details Substance misuse Unaccompanied asylum seeking children status</p>
<p>▶ PLAMs Census Year 12 and above have additional data collected once a year in the autumn School Census about learning aims, traineeship, and Maths and English GCSE prior attainment</p>	<p>▶ Children in Need Census Categories of abuse** Child protection conference and plan start date Data on other household members Date of birth Date of death Disabilities (12 categories) Ethnicity Expected date of birth (referrals of unborn children) Gender Local Authority child ID Section 47 enquiry details Source of referral and date Unique Pupil Number (UPN) can be assigned pre-birth</p>
<p>Personal Indicators on a Pupil Record Adopted from care Disability access fund indicator (3-4 year olds) Family in the armed services Free school meals (pupil premium eligible) FSM eligibility start date In care Member of SEN unit Post looked after arrangements Pupil medical flag Pupil part-time or boarder SEND type and ranking Youth Support Services agreement</p>	<p>▶ Higher Education Equality Monitoring This optional monitoring data, if collected, is at named individual level in UCAS applications and passed on by HESA to the Department for Education which adds them to the named record in the National Pupil Database</p>
<p>School-assigned Characteristics Attendance data Local Authority number National curriculum year group School identifiers and establishment number School lunch taken Type of school and funding details</p>	<p>Religion Sexual orientation Gender reassignment Sex Disability Ethnicity Marriage/Civil partnership Caring responsibilities Pregnancy and maternity</p>
	<hr/> <p>In 2020-2021* the DfE intends new Regulations to collect all attendance data rather than just those that equate to authorised and unauthorised absence and the CIN census** categories of abuse data will be further expanded</p>

The tables in Fig 1. are as at date of publication in The State of Data report (October 2020).