
Director General for Regulation

Jen Persson

22 April 2016

Dear Jen

Thank you for raising your concerns about access to data in the National Pupil Database (NPD) and for taking the time to discuss your concerns in more detail with my team.

We have discussed the issues you raised with the Department for Education (DfE) and have considered them in relation to the *Code of Practice for Official Statistics*. In the context of the *Code* we are interested in the extent to which it is made clear to the public how a balance is maintained between the provision of reasonable access to data underpinning official statistics and the protection of individuals' confidentiality. We are also interested in the extent to which such data are handled securely and in line with statutory obligations, guidelines and (other) codes of practice.

With this context in mind, I have concluded that there are two areas in which DfE should make changes or improvements:

- DfE has published a list of who has access to NPD data and the summary purpose of each project, which is based on requests for data from the national pupil database between April 2012 and December 2014. However, this information should be updated on a regular basis, and in future should include what type/volume of data they have access to and the reasons this access was approved or rejected (or links to where these reasons can be found)
- DfE also needs to be more transparent about its arrangements for ensuring the secure handling and end of project functions of NPD data (for example, ensuring that data is destroyed by third parties post research)

DfE have informed us that they are aware that they need to do more to improve the transparency around the use, and handling of the NPD data, and are committed to doing this. DfE also plan to improve the information that they send to schools so that schools in turn can provide parents and pupils improved information on how their children's data will be shared with DfE and by DfE. We hope that the actions taken by DfE as a result of these discussions will help to alleviate your concerns in these areas. We will continue to monitor the implementation and communication of these improvements.

In relation to whether DfE is following all statutory obligations, you mentioned that you have raised with the Information Commissioner's Office (ICO) your concerns about whether the release of data from the NPD is in line with the Data Protection Act and that you are awaiting the ICO's final view. As the case is ongoing I have not commented on this matter.

Finally, I would like to thank you for raising an important issue; you have highlighted ways in which DfE can improve transparency and data handling around NPD data access. You have

also highlighted an important area, access to data underpinning, or related to, official statistics, where we are keen to further develop our thinking and knowledge. As part of this, we will consider the issues you have highlighted, and I have described in this letter, as part of other work we are undertaking, for example looking at data access issues.

I am copying this letter to Iain Bell, Head of Profession at DfE, and Sir Andrew Dilnot. I have also written to Iain Bell setting out the areas arising from your enquiry that we have agreed DfE should explore.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ed Humpherson', with a stylized, cursive script.

Ed Humpherson