

**Ed Humpherson, Director General for Regulation**

Jen Persson  
(By email)

15 February 2017

Dear Jen,

Thank for your email and update on the use of pupil data collected through the school census. We have spent time looking into the points you raised and discussed them with the Department for Education (DfE).

DfE have a responsibility to meet statutory obligations, ensure confidentiality, act responsibly, and retain trust in relation to data collection and access to pupil level data. From our discussions with DfE we consider that it takes these responsibilities seriously, and continues to develop initiatives and puts appropriate safeguards in place as it works towards delivering wider access to underlying pupil data.

The balance between the provision of controlled access to data and the protection of individuals' confidentiality does pose challenges for statistical producers. We are keen that in all cases public trust is maintained and valuable data collections, statistics, and resources - such as the National Pupil Database (NPD) - are not diminished as a result.

I believe that the best way to strike this balance in this case is for DfE to be as transparent as possible on access to pupil data, and for it to fully inform parents and pupils of the uses which may be made of their data, and to support data collection within schools.

In advance of the school census on 19 January 2017, DfE had taken steps to improve transparency. It had shared the Memorandum of Understanding between DfE and the Home Office with interested parties, updated its guidance on its website which included making it clearer on the parental right to refuse to provide certain information, and written to head teachers on this and other data collection issues such as ascribing nationality. DfE are enhancing transparency further by:

- Continuing to develop clear and comprehensive guidance materials on the school census data collection which provides parents and pupils with details of what information is held about them, why it is held, and the uses made of it by DfE and other parties.
- Bringing together the range of existing guidance and also information on the use of pupil data by other government departments over the coming months. DfE intends that this will provide users with improved access and signposting to supporting information.
- Continuing to monitor and investigate with local authority support any issues linked to the collection of data, supporting schools and making reasonable efforts to ensure that appropriate data collection procedures are followed.

These plans for further improvements are welcome. I have also suggested that DfE write to head teachers before the next autumn school census to highlight data collection issues and help them inform parents of the new September school intake of their rights in regard to this collection.

In your email you call for better data security and safeguards be put in place for the NPD and ask for our consideration of the new datasets coming under DfE control.

Currently third party requests for access to NPD are processed through DfE's Data Management Access Panel (DMAP). DfE has told us it has recently made changes to this panel with extended membership of its monthly meetings which will consider ethically sensitive cases and act as an advisory group on data access. I am pleased to learn that you will be a member of this group and will have the opportunity to input to future improvements to data security and safeguards.

In addition DfE informed us that it plans to extend the remit of DMAP to cover all its data. The increased remit of the panel will see DfE's established data governance arrangements applied across all current and any future datasets within its control.

The DfE Head of Profession will announce on the 16<sup>th</sup> February his review of Data Access arrangements which we expect to cover data request and access procedures and plans for data access for new data items. An update on the review will be published by DfE in April. Given DfE's activities - the review, its plans to be more transparent about data sharing across government, and the changes to DMAP - we consider that it is committed to making improvements and being more open on its data access arrangements.

Finally I would like to let you know that the Office of Statistics Regulation plan to publish a report tomorrow on the assessment of DfE's *Statistics for England on Schools, Pupils and their Characteristics, and on Absence and Exclusions*, which also refers to some of the points you have highlighted.

I am copying this letter to Iain Bell, Head of Profession at DfE, and Sir Andrew Dilnot.

Yours sincerely

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

Ed Humpherson