

Proposed amendments to Individual Pupil Information Prescribed Persons Regulations

Consultation Response Form

The closing date for this consultation is: 18 December
2012

Your comments must reach us by that date.



Department
for Education

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes, primarily the Freedom of Information Act 2000 and the Data Protection Act 1998.

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Name

[REDACTED]

Organisation (if applicable) Big Brother Watch

Address:

[REDACTED]

If you have a query relating to the policy content of the consultation you can contact the Department by telephone: 0370 000 2288 or via the Department's 'Contact Us' page.

If you have a query relating to the consultation process you can contact the Public Communications Unit on:

Telephone: 0370 0002288

e-mail: consultation.unit@education.gsi.gov.uk

Please mark an 'X' in the box that best describes you as a respondent.

<input type="checkbox"/> Teacher/Head teacher	<input type="checkbox"/> Parent/Carer	<input type="checkbox"/> Pupil/Student
<input type="checkbox"/> Teacher Union	<input checked="" type="checkbox"/> Voluntary Sector/Not-for-profit Organisation	<input type="checkbox"/> Local Authority
<input type="checkbox"/> Commercial Organisation	<input type="checkbox"/> Researcher/HEI	<input type="checkbox"/> Government Organisation
<input type="checkbox"/> Other		

Please Specify:

1 Do you agree with the proposal to widen the purposes for which data from the National Pupil Database can be shared? Please explain the reasons for your answer.

<input type="checkbox"/> Agree	<input checked="" type="checkbox"/> Disagree	<input type="checkbox"/> Not sure
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Big Brother Watch is a privacy and civil liberties campaign group and has recently commented on the scale of the information being collected on pupils.

Our starting point is to ask whether parents currently understand how the database operates, what data is collected and for what purposes it is held. Our experience and recent media debate would indicate this is not currently the case. To propose widening access to a database when parents and pupils are not fully informed of the existing arrangements seems premature and risks alienating parents in the same way as the now scrapped ContactPoint, an argument made by the Coalition parties in doing so.

As such, the central issue is to what extent control (and consent) can be exercised by pupils (or their parents) and how they are informed.

Equally, the widening of purposes to include third party and commercial uses is something we are concerned about, in particular because as in other data fields the risk is that the unintended consequences of data being released may not be realised for some time.

While penalties and oversight of the use of data can be made more robust, the public can have little confidence that data, even in anonymised form, will be limited to the purposes first intended when it was released. This is a problem across the broader data sharing agenda.

Furthermore, we feel it improper for non-essential uses of pupil data to be justified through implied consent. Furthermore, the consent (in whatever form) to collect data was obtained for existing arrangements, so to retrospectively change the purposes for which data can be accessed and the organisations able to access it would be impossible to obtain without explicit consent.

The danger of over-eager data release cannot be fully quantified, and it appears this rush to 'open data' is being pursued without a full assessment of the risks in later years of data being used for commercial purposes or for reasons never included in the initial assessment of privacy risks.

As often the case with data release, the benefits appear to be realised by those who are neither parents, pupils or those with direct day-to-day involvement in the provision of education, the groups who are absolutely the most important in a school scenario. Ultimately any sharing of data must be driven by the interests of these groups and the proposals to widen access to the NPD do not advance their interests significantly enough to justify the risks involved.

For this reason, we cannot support the planned expansion of access to the NPD.

We would also question to what extent privacy and civil society groups have been engaged in the process to reach this consultation. As we have seen from numerous recent issues, the formulation of policy can be significantly aided by outside stakeholders being involved before the finalisation of a formal consultation.

5 Please let us have your views on responding to this consultation (e.g. the number and type of questions, whether it was easy to find, understand, complete etc.).

Comments:

Questions are framed in a way to suggest there are no concerns about the proposal.

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

Please acknowledge this reply

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Yes

No

All DfE public consultations are required to meet the Cabinet Office Principles on Consultation

The key Consultation Principles are:

- departments will follow a range of timescales rather than defaulting to a 12-week period, particularly where extensive engagement has occurred before
- departments will need to give more thought to how they engage with and consult with those who are affected
- consultation should be 'digital by default', but other forms should be used where these are needed to reach the groups affected by a policy; and
- the principles of the Compact between government and the voluntary and community sector will continue to be respected.

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Reason for confidentiality:

Name

[REDACTED]

Organisation (if applicable) Institute for Fiscal Studies

Address:

[REDACTED]

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Comments:

We believe that widening the purpose for which data from the National Pupil Database can be used will allow researchers to produce new insights and enrich our understanding of society. This will help ensure policy and public debate is based on a robust evidence base.

We also believe that the security arrangements put in place by the Department will protect individuals' anonymity and their confidential data (which would otherwise be a concern if access were increased).

2 How could you or your organisation potentially use the data?

Comments:

As indicated by the consultation document, the NPD could be used for research and other purposes beyond research into the educational achievement of pupils.

The National Pupil Database contains a rich set of information on the demographic profile of pupils attending state schools. Furthermore, this set of data is available in longitudinal form. As such, it could be used to study location and migration decisions. It could also be used to study the effects of housing policy, for example the reforms to housing benefit, which may influence the movements of pupils across schools.

The National Pupil Database could also be used to conduct new pieces of health research, especially if the data could be linked to the National Child Measurement Programme.

3 What do you see as the benefits of widening the purposes for which data can be shared?

Comments:

The main benefit from widening access to the National Pupil Database would come from improving the empirical evidence base in particular areas, for example health and migration. This will ensure that a wider range of policy and public debate is based on high-quality, robust empirical evidence.

Widening access to the National Pupil Database would also increase the number of individuals with knowledge of how to use the National Pupil Database. This increase in capacity will be valuable to the research community as it may lead to further learning between researchers and new opportunities for inter-disciplinary research.

Finally, there may be value to parents and children if the National Pupil Database could be used to provide greater information and guidance. This value may be increased if the provision of this information also acts as a mechanism to improve children's educational achievement and well-being, for example by strengthening choice and competition.

4 Do you have any other comments you would like to make about the proposals in this consultation document?

Comments:

No further comments.

5 Please let us have your views on responding to this consultation (e.g. the number and type of questions, whether it was easy to find, understand, complete etc.).

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Public Communications Unit, LG36,
Department for Education,
Mowden Hall,
Staindrop Road,
Darlington, DL3 9BG.

Tuesday, 18 December 2012

Dear sir/ madam

Office of Children's Commissioner's response to DfE's consultation on proposed amendments to individual pupil information prescribed persons regulations

The Office of the Children's Commissioner welcomes the Government consultation on 'individual pupil information prescribed persons regulations' and wishes to make a number of points based on our position and remit.

While we welcome the ambition, principles and intention of the proposals, we also suggest a number of amendments that we believe will strengthen the protection of the data, so that it is used for beneficial purposes. Our comments are designed to increase the effectiveness of the data and how it can be used to safeguard and protect children and young people. The points set out in detail below concern:

- o clarifying why any body or organisation needs to access and use pupil information;
- o further clarification required regarding what is meant by "robust checks" on who can access data;
- o unease regarding the use of data by and for commercial purposes; and
- o extending the list of prescribed persons and definition of who has access to the information (following appropriate checks)

Our comments are based on our statutory remit and experience in this area which will be useful to reiterate before providing our detailed comments on the current proposals.

About the Office of the Children's Commissioner

The Office of the Children's Commissioner (OCC) is a national organisation led by the Children's Commissioner for England, Dr Maggie Atkinson. The post of Children's Commissioner for England was established by the Children Act 2004. The United Nations Convention on the Rights of the Child (UNCRC) underpins and frames all of our work, and the Children Act 2004 sets out a number of powers that the Commissioner and her Office can use in undertaking her work.

The Children's Commissioner has a duty to promote the views and interests of all children in England, in particular those whose voices are least likely to be heard, to the people who make decisions about their lives. Following an independent review of the Office the Secretary of State accepted that the remit of the Office would be amended to that of 'protecting and promoting children's rights,' and should operate in the spirit of its future remit following the Children's Minister WMS setting out the Government's intentions for the Office in November 2010.

Key Child Rights to consider

Therefore, in light of our role and remit, we welcome the opportunity to respond to this consultation and remind the Government that any proposals should be consistent both with domestic legislation and the United Nations Convention on the Rights of the Child – especially the following articles:

Article 3: The best interests of the child must be a top priority in all things that affect children.

Article 16: Every child has a right to privacy. The law should protect the child's private, family, and home life.

Article 19: Government's must do all they can to ensure that children are protected from all forms of violence, abuse neglect and bad treatment.

Article 29: (As well as the right to an education in article 28) Education must develop every child's personality, talents and abilities in full. It must encourage the child's respect for human rights, as well as respect for their parents, their own and other cultures, and the environment.

These articles apply to all children up to the age of 18 (articles 1 and 2 of the Convention).¹ While OCC has not had an opportunity to work directly with children and young people on this consultation we do encourage the Government to consider how article 12 of the Convention can also be realised in this context – children and young people's right to have a say in all matters affecting them, and to have their views taken seriously.

OCC's experience in relation to data sharing

Part 1 section 2 of the Children Act 2004 sets out the Children's Commissioner's powers.

These include the power to "(a) enter any premises, other than a private dwelling, for the purposes of interviewing any child accommodated or cared for there; and (b) if the child consents, interview the child in private."

Furthermore subsection 9 states that "any person exercising functions under any enactment must supply the Children's Commissioner with such information in that person's possession relating to those functions as the Children's Commissioner may reasonably request for the purposes of his function under this section (provided that the information is information which that person may, apart from this subsection, lawfully disclose to him)."²

Within the scope of these powers, and those set out in following section of the Act, OCC has undertaken two major Inquiries during 2011 and 2012, both of which encountered issues around the sharing of sensitive information and data.

The first Inquiry involved School Exclusions. As part of its first Inquiry the OCC wanted to undertake new analysis of school attendance, exclusion and behaviour data. Following discussion with officials at the Department for Education we were aware of the rich and detailed pupil-level data held by the Department.

¹ All the descriptions of the UN CRC articles in this document are taken from unicef's "Pocket Book of Children's Rights".

² Children Act 2004 accessed on 18-12-12 at <http://www.legislation.gov.uk/ukpga/2004/31/part/1>.

However we were informed that this could not be shared because of the small sample numbers involved in some of our analysis (i.e. there would be a chance of identifying individual children). Rather than explore the full legal position we worked with the Department, and they undertook the analysis we required in-house. This had obvious implications on the DfE's team and their resources. This analysis could have been undertaken by the OCC had the data sharing position been clearer.

Our second Inquiry, which is also still ongoing, took 2011/12 to examine the nature and prevalence of Child Sexual Exploitation in Gangs and Groups. As part of the Inquiry OCC requested individual level data from every English Local Authority Director of Children's Services, Director of Primary Care Trust, and Chief Constable. This request was for local geographic level information on issues ranging from children being reported missing to children accessing substance misuse services. We also obtained individual level data from DfE on a number of issues including numbers in care, excluded or persistently absent from school. This was England-wide data.

We also collected aggregated level data from DfE, Department of Health, National Treatment Agency, Health Protection Authority, Youth Justice Board, and the Home Office. Similar issues to the first Inquiry concerning legality were encountered, but given the cross-departmental nature of the second Inquiry OCC undertook a comprehensive process of negotiating access to some of the data held by government. Again this was a lengthy and costly process that ultimately relied heavily on our statutory powers to request information. We have also been on site visits to local areas and services where we have reviewed data collection and sharing processes, and have had different government sector, local agency and voluntary sector working groups submit evidence to us in relation to potential effective practice in this area.

As a result of both Inquiries and further work carried out by the OCC across different policy areas and government departments, we feel particularly well placed to comment on these current proposals for accessing pupil and school data.

OCC's response to the proposals in the consultation:

Supporting the principle of using data effectively

The OCC agrees with the principle that the pupil information under consideration should be shared for purposes other than educational outcomes – and that those defined in the consultation document are correct. This is a worthwhile aim which we support. Equally, we broadly agree with the five bullet points under paragraph 7.1 of the consultation document.

We also support the release of data for persons conducting research where it is “subject to robust approval processes with strict terms and conditions”. This can lead to improved understanding of how to raise standards and improve service provision for children and young people. This is particularly important given the Government's desire for local agencies and statutory bodies to take responsibility for children's outcomes, and less resource being available at the Department for Education to undertake this type of analysis.

We do however have concerns regarding who will be able to access the data, and for what purpose. These concerns are set out below and we expect the government to publish further details with regard to these concerns before any future legislative change can be supported. In any change to the current arrangements we ask the government to consider the impact of change on article 16 of the UNCRC and every child's right to privacy.

Clarification required regarding “robust checks”

Much of the current proposals rest on the safeguard that “robust approval processes” will be introduced in conjunction with the power to share data more widely. Given the importance of this safeguard and the sensitivity of the data involved we believe it is necessary to receive more information about this aspect of the reforms.

Asserting that it will be a “robust approval process” is not the same as ensuring that it actually is, and great advantage could be derived from providing more clarity on what such a process would look like. OCC and others with experience in this field would be prepared to work with the DfE on ensuring that any new process is fit-for-purpose ensuring both safety and practicality. We are concerned that organisations are being asked to support the proposals when there are no details given about the criteria for assessing applications.

Assuming that others, like the OCC, support the principle behind this consultation, and that work is underway to develop the necessary approval process, we propose that the Government should set as the threshold for applications the best interests of the child (in line with article 3 of the UNCRC).

A consistent application of this article does then raise questions over further proposals contained in the consultation document, especially those concerning the potential use of data by commercial organisations for commercial purposes. The OCC would find it difficult to reconcile *all* commercial activity being in the best interests of children and young people.

Concerns regarding the use of data by commercial organisations for commercial activity not related to the well-being or welfare of children and young people

As noted above the OCC is concerned about current proposals that would allow for releasing data to the commercial sector. Included in the consultation document is an allowance for data to be indirectly used to assist planning and/or marketing strategies. While there is a valid discussion regarding the role of commercial organisations in planning some services and products, at present the proposals would (potentially) allow for a wide range of commercial sectors and organisations to access the data. For example we could expect fast food chains to be interested in such data, but providing such a company with access to this information would not be of benefit to children and young people.

Therefore we would propose that the provision to allow for commercial companies and organisations to become prescribed persons and access this data is removed until further consultation and safeguards can be put in place regarding who has access to pupil information, and for what purpose they intend to use it.

Clarifying the need to access and use data

This last point suggests that amendments to the current provisions would benefit from asserting the requirement to demonstrate *why* an organisation wants to access the data; *how* it intends to use the data; and for *what purpose* it will use the information it has gained. Consequently we suggest that no organisation has a general right of access to this data unless it can present good reason and sufficient evidence of the benefit to children and young people. This would guard against any organisation – whatever its status or position – from undertaking “fishing expeditions” in this dataset. The requesting body should specify in advance exactly why it needs the data, what the data will be used for, and how, after it has been used for a specific purpose, the data will be destroyed safely.

Organisations should not be given permission to simply hold on to sensitive data such as this without there being a clear purpose for doing so, and this would be another safeguard against data being used for purposes other than those specified.

Extending the definition of who has access to the data (following appropriate checks)

Although we are concerned that the current proposals may extend access to groups and individuals who may not have children’s best interests as their key concern we also believe there would be great benefit from extending potential access to pupil information to groups and bodies that are not currently covered in the consultation document. For example, OCC would support a proposal that would grant the ability for individual level data to be provided back to local statutory agencies. This is specifically around where it could be used to assist the safeguarding of children and overlaid with other multi-agency data. We propose this addition based on our own work related to the Child Sexual Exploitation in Groups and Gangs Inquiry, where the value of this data could be evidenced from case studies of local multi-agency CSE teams who were unable to access local information around persistent absence or school exclusions.

The bar on accessing this information (known to be some of the key risk factors in identifying children and risk of CSE) was compounded by there being multiple local authorities within the one police force area.

This meant that there was (and is) no single place to obtain relevant data. This acknowledged gap could result in local services and teams not identifying entire groups of at risk children. Opening up this information to local statutory agencies and bodies could enable them to overcome this barrier.

Therefore, OCC recommends that the current proposals include a new provision for "persons or bodies concerned with the statutory safeguarding of children". This would be a simple addition to the current list of prescribed persons and bodies with whom the data can be shared. OCC considers that this would be a powerful tool for local agencies and have the potential to realise real safeguarding gains for children and young people.

In addition we would also welcome the inclusion of the OCC to the list of named persons with whom data can be routinely shared. We are not currently a named party which has led to a number of issues when trying to obtain data for the purpose of the OCC's Inquiries (see section above on OCC's experience of accessing / sharing pupil information). This addition would greatly facilitate our work and provide clarity for the officials we work with.

Final comments

We trust that the views and comments expressed above provide a useful contribution to the current consultation. OCC affirms the government's desire to allow access to the data for purposes that will benefit the well-being and welfare of children and young people. The proposals we have outlined in this letter are consistent with children's rights, especially their right to privacy as outlined in article 16 of the UNCRC.

We have also outlined how the current proposals around pupil information could be extended to additional statutory bodies (including OCC) and local agencies in a way that would directly benefit children and young people.

However we do require further information about the processes that will be put in place to ensure safe and appropriate access, and advocate that commercial organisations are barred from using the data, or at least have their access significantly restricted.

We would welcome further discussions with the Government on how to realise their goals and take these proposals forward in a safe way.

If you require further information regarding any of the points made in this submission please contact [REDACTED] at [REDACTED]

Yours sincerely,
[REDACTED]
[REDACTED]

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<input type="checkbox"/> Agree	<input type="checkbox"/> Disagree	<input type="checkbox"/> Not sure
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Personal Data should not be shared in this way.

2 How could you or your organisation potentially use the data?

Comments:

3 What do you see as the benefits of widening the purposes for which data can be shared?

Comments:

4 Do you have any other comments you would like to make about the proposals in this consultation document?

This seems like an unwarranted abuse of personal data being suggested here, I suspect many people would object if they really understood what is being proposed.

5 Please let us have your views on responding to this consultation (e.g. the number and type of questions, whether it was easy to find, understand, complete etc.).

Comments: This is a very difficult and far from user friendly form, why cannot it be filled in online? Why as a parent have I not been notified of this very significant consultation?

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Reason for confidentiality:

Name	[REDACTED]
Organisation (if applicable)	Centre for Paediatric Epidemiology and Biostatistics at the Institute of Child Health
Address:	[REDACTED]

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Please Specify: Professor of Economics within the Centre for Paediatric Epidemiology and Biostatistics at the Institute of Child Health, University College London, and Deputy Director of Life Study

1 Do you agree with the proposal to widen the purposes for which data from the National Pupil Database can be shared? Please explain the reasons for your answer.

<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree	<input type="checkbox"/> Not sure
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Comments:
The NPD has the potential to help address a range of important questions relating to the life chances and well-being of children that goes beyond the narrowly defined educational achievement of pupils.

2 How could you or your organisation potentially use the data?

Comments:

In our Centre (CPEB) we teach and carry out research to improve children's health and wellbeing and to prevent, diagnose and treat conditions that might affect them in childhood or in later life.

We develop and apply statistical methods to complex research data and train researchers to use these methods.

We work with researchers from other disciplines and those who use our work to ensure that our research gives children the best possible start in life.

Within our Centre, we are developing Life Study, which is a major new national birth cohort study, which will track the growth, development, health, well-being and social circumstances of approximately 100,000 UK babies and their families. The breadth of data and large scale nature of this study will provide a rich and internationally unique resource of data, in addition to environmental and biological samples that can be used to address future questions and hypotheses regarding the early life origins of health and development.

The use of the National Pupil Database for purposes wider than simply the understanding of educational achievement could unlock a wide range of high impact research to improve the health and well-being of children.

Wider uses of NPD as a stand-alone resource could include the use of the SEN indicator and sensitive data on type of SEN to undertake analysis of outcomes such as migration and mobility (both in terms of schools, and homes); and characteristics of children with various conditions – including their ethnicity, FSM status, EAL, the deprivation of their local area, their geographical spread, and the type of schools that they attend.

For many of these conditions there is no single national source of data to undertake even basic analysis of identity, locality, or other characteristics (all of which are wider than those defined by educational attainment). Such use would also allow benchmarking of such children against the national picture in all of these characteristics. Such analyses would be extremely valuable in combination with analysis of educational outcomes, that are already permitted under current access rules.

One example is visually impaired children, currently 2 in 1000 children in the UK. Half of these children have significant additional impairments (sensory, learning or motility) and/ or chronic health conditions and are educated in a variety of settings. Educational experiences and outcomes for these children form part of a spectrum of social and health outcomes. Extending use of the NPD to enable linkage to investigations of the life chances and wellbeing of this vulnerable population would enable important questions to be addressed about the development and impact of visual disability in

childhood.

The linkage of NPD data to surveys such as Life Study, via informed consent opens the opportunity to understand the wider outcomes (as defined above, e.g. in terms of migration and mobility, FSM, EAL) of children in the Study at more frequent intervals than the Study itself; it would allow such outcomes to be tracked even if children and their families attrit from the Study; and finally it could allow contact to be made with children who have been lost from the Study. The possibility of linking to sensitive data on looked after children also offers the opportunity to keep track of this particularly vulnerable set of children who may otherwise not be followed.

Many of the data items in NPD – including the detailed ethnicity indicator, and EAL indicator are particularly valuable for providing a greater depth of information on the Study's major themes which include ethnicity and migration.

3 What do you see as the benefits of widening the purposes for which data can be shared?

Comments:

This research could lead to better, more targeted policy interventions across a range of services for children with specific condtions; it could lead to a better understanding of the wider outcomes for ethnic and migrant children, and those for whom English is not their first language.

4 Do you have any other comments you would like to make about the proposals in this consultation document?

Comments:

5 Please let us have your views on responding to this consultation (e.g. the number and type of questions, whether it was easy to find, understand, complete etc.).

Comments:

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

Please acknowledge this reply X

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X Yes No

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- departments will need to give more thought to how they engage with and consult with those who are affected
- consultation should be 'digital by default', but other forms should be used where these are needed to reach the groups affected by a policy; and
- the principles of the Compact between government and the voluntary and community sector will continue to be respected.

Responses should be completed on-line or emailed to the relevant consultation email box. However, if you have any comments on how DfE consultations are conducted, please contact Carole Edge, DfE Consultation Coordinator, tel: 0370 000 2288 / email: carole.edge@education.gsi.gov.uk

Thank you for taking time to respond to this consultation.

Completed questionnaires and other responses should be sent to the address shown below by 18 December 2012

Send by post to: Public Communications Unit, LG36, Mowden Hall, Staindrop Road, Darlington, DL9 3BG

Send by e-mail to: NPD.Consultation@education.gsi.gov.uk

Proposed amendments to Individual Pupil Information Prescribed Persons Regulations

Consultation Response Form

The closing date for this consultation is: 18 December
2012

Your comments must reach us by that date.



Department
for Education

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Please tick if you want us to keep your response confidential.

Reason for confidentiality:

Name

Organisation (if applicable) NatCen Social Research

Address:

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Telephone: 0370 0002288

e-mail: consultation.unit@education.gsi.gov.uk

Please mark an 'X' in the box that best describes you as a respondent.

<input type="checkbox"/> Teacher/Head teacher	<input type="checkbox"/> Parent/Carer	<input type="checkbox"/> Pupil/Student
<input type="checkbox"/> Teacher Union	<input checked="" type="checkbox"/> Voluntary Sector/Not-for-profit Organisation	<input type="checkbox"/> Local Authority
<input type="checkbox"/> Commercial Organisation	<input type="checkbox"/> Researcher/HEI	<input type="checkbox"/> Government Organisation
<input type="checkbox"/> Other		

Please Specify:

1 Do you agree with the proposal to widen the purposes for which data from the National Pupil Database can be shared? Please explain the reasons for your answer.

<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree	<input type="checkbox"/> Not sure
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Comments:

- Budget cuts mean that increasingly secondary analysis is being utilised as an alternative to primary research. Widening the remit of use for the NPD makes this an increasingly valuable resource.
- The NPD is a rich data resource which has the potential to contribute to improving children's lives through research. Better utilisation of the NPD can only be a step forward.
- Supporting government and research council strategy to increase utilisation of existing data sources, fits with the purpose behind the wellbeing agenda (rather than the 'happiness' agenda) which argues that wellbeing is a broad and holistic concept, avoiding 'silo' thinking that sees educational attainment as separate from wider circumstances.
- NPD data are already used in this broader way when they are linked to social survey data, so really this is just aligning up existing practice - making it

consistent - it's not a radical change.

2 How could you or your organisation potentially use the data?

Comments:

- Around 90% of work in our Children and Young People team comes from the DfE and a large proportion focuses on schools and pupil attainment. Many of the research questions in bids from the DfE require us to look at NPD data to properly address the issues.
- Other clients are also very interested in using NPD when looking at issues such as disadvantage, disability, exclusion etc.

Specific examples of how NatCen might use the data are:

- Exploring the relationship between school autonomy and pupil profiles. If the changes facilitate data linkage with other admin data, the possibilities are endless - crime, health, poverty.
- In 2009 the NPD was used to look at the educational attainment of blind and visually impaired pupils (RNIB funded). This research could be extended beyond attainment with a revised remit.
- It might be interesting to look at absence and exclusion as an outcome, as it's been linked to other 'risky' behaviour by young people. This would link into the 'troubled family' agenda.
- SEN and statements by different local authorities would be another interesting topic, it is hypothesised that there may be geographic differences in the number of statements issued.
- The validity of Free School Meals being used as a key indicator of poverty has been challenged in the schools literature. The limitations of this measure considering the discrepancy between eligibility and take up could be further explored with a remit that encompasses well-being.

3 What do you see as the benefits of widening the purposes for which data can be shared?

Comments:

- A better informed evidence base for research as the NPD enables analysis of large sample sizes.
- It's a great source of data for secondary analysis, especially for rare sub-groups like specific disabilities or ethnic groups. The widened remit will enable broader research of hard to reach groups with large enough sample sizes with which to conduct robust analysis.
- Increasing the potential for secondary analysis will reduce the need for primary research in some circumstances. In particular this has the potential to reduce the burden on hard to reach groups who are often over 'researched'.

4 Do you have any other comments you would like to make about the proposals in this consultation document?

Comments:

- If there is an increase in the number of data requests will this impact on the time taken to process requests?
- How will this change be communicated to schools and parents?
- Will there be an option for parents to opt out of their children's data being passed on to third parties? If so will the opt-out apply to all research purposes?
- How will an opt-out process be managed? If NPD data is going to be offered to commercial organisations this could have devastating effects on linkage rates. Cognitive work done by the Questionnaire design testing hub for the Welsh government found that parent's are rarely interested in the opt-out process. If given the option there is a risk that they assume there is a problem because an opt-out has been offered.

5 Please let us have your views on responding to this consultation (e.g. the number and type of questions, whether it was easy to find, understand, complete etc.).

Comments:

The consultation was easy to find and the number of questions appropriate. Any more and it could be cumbersome to complete.

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Please acknowledge this reply

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X Yes

No

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Proposed amendments to Individual Pupil Information Prescribed Persons Regulations

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Please tick if you want us to keep your response confidential.

Reason for confidentiality:

Name

Organisation (if applicable) Association of Directors of Children's Services

Address:



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<input checked="" type="checkbox"/> Other		

Please Specify:

Professional leadership association for Directors of Children's Services

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<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree	<input type="checkbox"/> Not sure
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Comments:

We agree with the principle of sharing data more openly and freely – subject to appropriate controls to encourage research, analysis and scrutiny of the data that has already been collected.

As stated in the consultation document, the national pupil database has enormous potential to support improvements in the education and well-being of children and young people and the current restrictions on access to the data prevent this from being fully exploited at the present time.

It is preferable that data that has already been collected is shared with others rather than duplicated – ie the COUNT (Collect Once Use Numerous Times) principle. It is also preferable if those with an interest in educational attainment and school improvement are able to work with the same data and measures that schools are held accountable to. The ability to present data in different formats and to focus on analyses appropriate to local needs is very valuable in driving school improvement. Improved access to the data would allow greater flexibility in extending and replicating externally published information in a way that best serves local needs.

2 How could you or your organisation potentially use the data?

Comments:

Local authorities could use NPD data to help fulfil the strategic role set out by David Laws in his recent speech to the LGA education conference – as champions of parents and pupils, and as agents of intervention and support. Access to NPD data can enable LAs to develop a more sophisticated understanding of which groups of pupils are underachieving in their area (compared perhaps with other areas), and to challenge and broker support for the schools in which those pupils are concentrated.

3 What do you see as the benefits of widening the purposes for which data can be shared?

Comments:

Data published via existing sources such as the Performance Tables, RAISEonline and Statistical First Releases is not always in appropriate formats or with appropriate focus and detail to meet local priorities. More open access to data would enable LAs to use data more effectively to benchmark outcomes, identify strengths and weaknesses and develop strategies to address these.

4 Do you have any other comments you would like to make about the proposals in this consultation document?

Comments:

Whilst we fully support the intent behind this proposal, our experience of the 'improved access arrangements' to the NPD, implemented on 30th July this year, does give us some cause for concern. Requests for access now require a great deal more documentation than previously, and the documentation provided often then generates more queries from the DfE NPD team, leading to significant delays in the eventual agreement to access the data. In one case the timespan between the request first being made and the DfE decision was over 4 months.

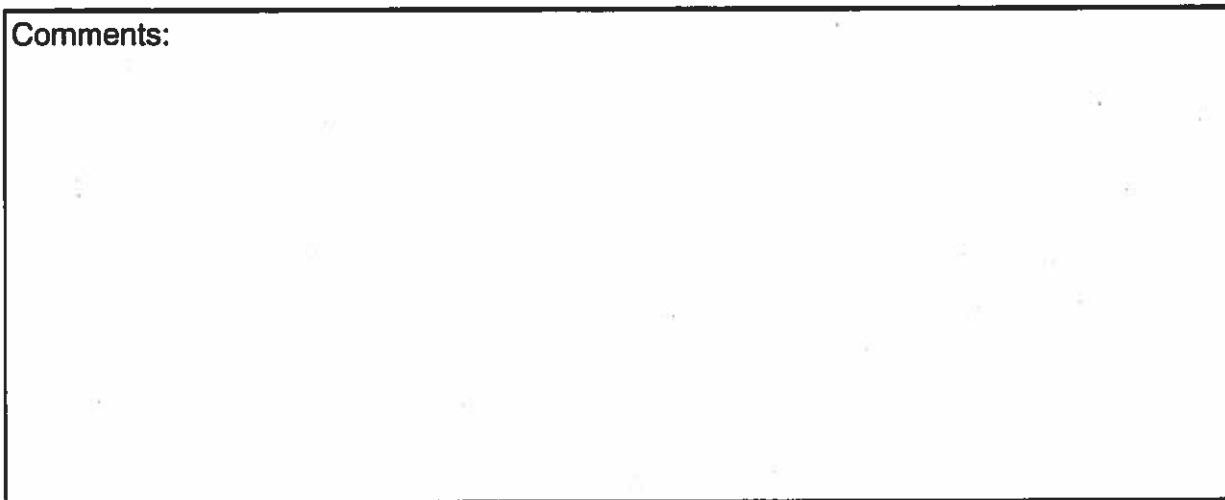
Whilst we understand the need for DfE to satisfy itself of the ability of the applicant to handle the data appropriately, we believe that this needs to be balanced against the need to process applications in a timely fashion. Very long delays run the risk of defeating the policy intent behind this consultation, as potential applicants for NPD data will be discouraged from applying if they know that it will be months before they will get a decision.

We would hope that once an organisation has been through the approvals process that they could become a 'trusted user' of NPD data with perhaps a more streamlined application process for future requests.

It would also be beneficial to make available metadata and syntax files that would allow users to replicate externally published measures (for example in Performance Tables) so that there is consistency between externally published and locally generated data.

5 Please let us have your views on responding to this consultation (e.g. the number and type of questions, whether it was easy to find, understand, complete etc.).

Comments:

A large, empty rectangular box with a black border, intended for the respondent to provide their views on the consultation. The box is currently blank.

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Please acknowledge this reply X

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Proposed amendments to Individual Pupil Information Prescribed Persons Regulations

Open Rights Group response.

18th December 2012.

For more information please contact [REDACTED]

1. Do you agree with the proposal to widen the purposes for which data from the National Pupil Database can be shared? Please explain the reasons for your answer.

We disagree.

Introductory remarks

Open Right Group has been an active and vocal supporter of moves to open government data. We see benefits to democratic accountability and potentially economic innovation to the principle that information generated through public funds should by default be available to the public. We congratulate the Government for its commitment to that vision to date.

Open Rights Group is also an active and vocal campaigner on the right to privacy, frequently calling for higher standards of data protection, less state intrusion and greater rights to allow people more control over the use of personal information. Fundamentally we support the principle that people should be able to decide when and how information about them is shared and how it is used. Where the government takes decisions about access to personal data out of people's hands, it must be proportionate and necessary and be decided through a democratic process.

Questions about opening data held in the National Pupil Database (NPD) may superficially seem to lie at the intersection of these two issues.

However, in this response we begin from the principle that the sort of private information held in the NPD cannot be open data, and lies completely outside of this agenda.

The information in the NPD adds up to a rich and intimate portrait of the children and young people in it, created at a sensitive time of development and growth. Access to that data should be tightly controlled and use of it must be clearly in the public interest.

Summary of key points

- We do not support the proposed changes as set out in the consultation document.
- Private information like the data held in the NPD is not open data. Recognising the distinction, the open data community do not demand access to such data.
- The problem that wider sharing is a solution to is not fully defined or evidenced, and the proposed solution is too broad and not supported by adequate evidence.
- The proposals are not detailed enough, with more work required to map categories of information held in the NPD and how appropriate it is to share different categories of this data with more organisations. The consultation could have been an opportunity to map risks and opportunities associated with wider sharing of the data set, however, it contains little detail on either point.
- Far more detail is required on what, if any, process would be put in place for assessing applications for commercial uses of data, including what categories of information

from the NPD might be involved, the factors that will feature in assessing applications, and the degree to which compliance with conditions of use will be audited and enforced, and where the resources to do this will come from.

- We recommend greater transparency around applications for use of the information.

Open data and personal data

Personal information is not open data. We support, for example, the submission from the Open Data Institute which further set out the case against these proposals from the perspective of open data experts.

“Maximising the value of the data set” is a language associated with open data, but is not an appropriate aim in the context of detailed personal information on children and young people that is collected without effective informed and explicit consent for wider use.

The 'open data' community is not demanding access to this data as part of the open data agenda, in the way that demands are made for postcode related data, for example.

We would support more publication by the Department of aggregate data as open data.

The problem is not properly defined; the response not evidenced well

There is also a lack of evidence of the problem, relating for example to how many requests are currently turned down, and why?

We suggest further work identifying exactly what data may be useful in different circumstances, with far more detail on who is failing to access what data, in what situations. This should include mapping the sort of sensitive information contained in the database that should never be subject to broader use. This process should identify how further publication of aggregate data would address issues of data not being shareable, with fewer privacy risks than disclosure of individual level data.

This sort of work mapping the specifics detail of the usefulness of data should happen ahead of proposals to broaden access, and should be conducted openly with the results shared publicly to inform the debate. We would be happy to assist in any such work.

Identifying individuals and anonymisation

We are concerned that it will be easy to identify individuals from the data set, and that insufficient attention has been given to the issues around anonymisation.

It is likely to be relatively easy to take publicly available information and cross match it with data in the NPD. Such publicly available information, from documents such as CVs, could act as a fingerprint enabling the identification of individuals.

Any processes for anonymisation should be published and be subject to peer review. We recommend the department works closely with the UK Anonymisation Network, for example.

Consent and wider uses of data

Currently the information for the NPD is gathered involuntarily for the purposes of administering the education system.

Broadening the purposes for which that data can subsequently be used is a significant change. It would require informed and explicit consent from the 'data subjects' – the children

involved and their parents.

We strongly disagree that it is acceptable, as is proposed in the consultation, to extend the model used to gather data for administrative purposes to broader commercial exploitation, or research beyond that which serves the educational and social wellbeing of children and young people.

Consultation with young people and children affected is required

More effort should be made to consult children about the proposals. We are not aware of work to understand what the children affected themselves think.

For example, are they comfortable that information about their performance at school, their behaviour and other details from their childhood will not only exist in a semi-permanent information echo on the NPD, but could now be made available to a much broader group of people?

We are not aware of efforts to consult young people on the proposed changes.

Work to address this should include looking at how the process of requesting and sharing works in practice, to give young people an ability to have a say over decisions that materially and seriously affect them.

2. How could you or your organisation potentially use the data?

Not applicable.

3. What do you see as the benefits of widening the purposes for which data can be shared?

Wider research use of the data may help to further the educational achievements where it facilitates better, closer analysis of attainment and well-being. We endorse the suggestions, for example from Privacy International, for wording along the lines of:

"...persons conducting research into the well-being or educational achievements of children in England and who require individual data for that purpose."

We believe such an amendment would likely cover the following issues highlighted in the consultation document:

"For example, we have had to reject requests to use extracts of the data for research looking at the lifestyle/health of children; sexual exploitation of children; the impact of school travel on the environment; and mortality rates for children with SEN."

And this proposed wording would avoid the wider more problematic uses that are more tenuously linked, or not linked at all, with educational achievements and well-being - such as marketing, for example.

The consultation document also suggests:

"For example, it could help improve the quality and accuracy of demographic models used by the public and commercial sectors to inform planning and investment decisions, such as where to locate infrastructure or services, which could have benefits for children and families."

We can see the benefit of using data to improve planning and investment decisions related to schools, or where they are directly linked to the educational achievements of children and young people and the well being of them and their families. However, there is no case for permitting uses for investment and planning decisions related to other services, such as fast food outlets or shopping developments.

We are concerned about the wording of the last sentence of the above paragraph, which suggests the data may be used in ways that "...could have benefits for children and families". The educational and well-being benefit to children and families should be the principle guide for permission being granted to access the data – not just a possible consequence of it.

We do not believe the case for extension beyond the above proposed wording has been made.

4. Do you have any other comments you would like to make about the proposals in this consultation document?

Transparency of requests and uses

Greater transparency is required around who requests NPD information, and the grounds on which applications are judged. That should include success rate figures, and details of the outcomes of any audits into compliance with the terms of data use. This would improve accountability and help inform the debate about how appropriate current access is.

5. Please let us have your views on responding to this consultation (e.g. the number and type of questions, whether it was easy to find, understand, complete etc.)

We believe there is too little detail and analysis in the consultation document on exactly what data will be involved, the potential further uses of it that could be enabled, who will likely be involved in making requests, and what the risks and opportunities might be. We suggest the time period for this consultation is too short for such informed comment to come to light.

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<input type="checkbox"/> Commercial Organisation	<input type="checkbox"/> Researcher/HEI	<input type="checkbox"/> Government Organisation
<input type="checkbox"/> Other		

Please Specify: Teach First, charity.

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<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree	<input type="checkbox"/> Not sure
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Comments:

The NPD is an information source we turn to regularly, mostly through third parties (when we commission analyses). The current access levels allow us to develop a view at a particular level (school, then subject at KS4, for example). However, we would like to look at this information at a deeper level – to enhance our understanding of impact and to support work to improve outcomes for children and young people from disadvantaged backgrounds.

2 How could you or your organisation potentially use the data?

Comments:

As described above, the data could be used, with the appropriate privacy and data security measures, to look below school/subject levels and into classrooms. This would enable a better understanding of impact and ways on enhancing the value of the contribution made by Teach First to young people and their outcomes – for example, by allowing us to amend our Leadership Development programme or the support we offer to teaching Ambassadors.

3 What do you see as the benefits of widening the purposes for which data can be shared?

Comments:

The benefits are clear from an organisational point of view, but there is merit in more general terms of making data more accessible to allow creative questions to be asked or solutions to be sought – for example, linking NPD measures to the teachers' census or to UCAS/HESA data. Increased access also ought to allow better assessment of school-level interventions – although this is increasingly limited by the presence of only two key data points (KS2 and KS4) in the data set. Being able to look at data at pupil-level and across phases and sectors (school to higher education for example) would really help Teach First in its efforts to achieve its 2022 Impact Goals*.

This has to be balanced, of course, with an assessment of the security of the data – especially at an individual level.

*These goals, which have specific detailed targets, aim to:

1. Narrow the gap in literacy and numeracy at primary school.
2. Narrow the gap in GCSE attainment at secondary school.
3. Ensure young people develop key strengths, including resilience and wellbeing, to support high aspirations.
4. Narrow the gap in the proportion of young people in education, employment or training one year after compulsory education.
5. Narrow the gap in university graduation, including from the 25 per cent most selective universities.

4 Do you have any other comments you would like to make about the proposals in this consultation document?

Comments:

The changes proposed are welcome and timely. It would be good to know whether this will need to see a revision to the recently issued (August 2012) terms and conditions concerning accessing data. I know from experience that the new approach is very detailed and requires a high level of information from applying institutions – it would be helpful to know to what extent proportionality would be applied to data requests from organisations which had (as it were) ‘passed the test’ on a first data request.

5 Please let us have your views on responding to this consultation (e.g. the number and type of questions, whether it was easy to find, understand, complete etc.).

Comments:

Very straightforward. However, an automated system to draw attention to consultations, new press notices, publications etc would be a most welcome addition to the DFE website.

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

Please acknowledge this reply

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Yes

No

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The key Consultation Principles are:

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- departments will need to give more thought to how they engage with and consult with those who are affected
- consultation should be 'digital by default', but other forms should be used where these are needed to reach the groups affected by a policy; and
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Thank you for taking time to respond to this consultation.

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Pearson response to consultation on proposed amendments to Individual Pupil Information Prescribed Persons Regulations

December 2012

Introduction

Pearson welcomes the opportunity to contribute to this important discussion on the use of data held in the National Pupil Database (NPD) and how this rich data source could increase accountability and stimulate a range of social and economic benefits.

We share the government's ambition to use data more intelligently to drive improvements in educational outcomes, using it to identify where additional challenge and support is needed. We agree that when used in an appropriate way, data can help improve outcomes and performance in public services, including schools. Pearson's recent *Learning Curve*⁶ study concluded that some of the highest performing education systems around the world prioritised school autonomy, increasing the case for an effective accountability system delivered through the greater use of deeper, more dynamic data.

This submission considers the questions proposed in the consultation document as well considering more broadly how data can transform education and learning namely: ensuring the efficacy of resources and teaching practices; better supporting learners in school and college; and learning beyond the classroom.

Pearson Approach

The National Pupil Database (NPD), with some datasets stretching back 10 years, is undoubtedly an unparalleled resource in the UK education system. While the Department has improved the arrangements for requesting access to this data through amendments to its terms and conditions, it is still arguably an under-utilised resource.

Through Pearson's awarding organisation Edexcel, we already load pupil achievement data to the NPD under contract to the DfE, which has in the past allowed sophisticated analysis of pupil test and exam results by policy makers and researchers. This analysis has been used to coordinate targeted national support programmes for particular groups, including those pupils who are eligible for free school meals, in an effort to narrow the attainment gap. While these types of policies based on the most recent group and regional data were the right approach in the past, the challenge now is to support improvements in an increasingly autonomous and localised school system and use data more effectively.

Pearson's qualifications business, Edexcel, also pioneered rich data collection and visualisation through the *ResultsPlus* service. Launched in 2007 as a free service to all schools following Edexcel qualifications, it provides teachers with detailed performance reports at whole-school, group and individual pupil level. Teachers and their students are able to analyse how they

⁶ The full Learning Curve report can be found online at www.thelearningcurve.pearson.com

performed in relation to a variety of benchmark averages, from question-to-question or across curriculum topic areas, yielding deep insights that help drive improvements in teaching and learning.

There is certainly a case to look at using the data more broadly and not only in the pursuit of educational inquiries and research, which the current regulations permit. Other organisations, whose primary purpose may not be education, might be able to extract a public good from using the data. For example, a health or nutritional charity might be able to use the data for research on how to better coordinate and plan the delivery of its service and advice to schools and young people. On balance therefore, we would support the Department's proposal to amend the current regulations to include the "well-being" provision for the use of the data.

Appropriate use of the data and safeguards

While we support the change in the use of the data and access arrangements, these amendments would also need to be communicated properly to those institutions and individuals it is collected from. We understand that the Department currently collects the information to fulfil statutory obligations. A necessary step would be to establish the proper legal foundation for 'liberating' the data and the Department should make it clear to children and their parents how the collected data might be used differently in the future and how it might be passed on within other arms of government or other organisations before any changes to the access arrangements are made. This should include addressing any concerns about privacy and the security of personal data. Where possible, this should not add to any new burdens or costs on schools, local authorities or businesses.

Pearson has deep, practical experience of collecting, matching and assuring pupil biographic data to their achievement/learning data, as this is core to our validation and assurance role as an Awarding Organisation. Our most recent engagement with government in its efforts to collect and use data more widely across the system is in our support of the Personal Learner Record, which is a service operated by the Skills Funding Agency.

Third parties requesting access to extracts of the NPD data should continue to be subject to a robust approval process. This process should carefully assess:

- who is requesting the data
- the purpose for which it is required
- the level and sensitivity of data requested
- who it may be passed onto (and for what purposes)
- and the arrangements in place to store and handle the data, including where necessary third parties signing a non-disclosure agreement.

In accordance with the Government's transparency agenda, the names of individuals or organisations approved by the Department to access the data should also be publicly available which would help ensure the rigour of the approval process.

Efficacy of resources and teaching practices

Data should be used more intelligently and effectively in the evaluation of educational services and resources. Each existing and future educational and training service should be able to demonstrate to its end user the results it will deliver. Not only should this express an aspiration as

to how proficient a student should be in a particular discipline, but also how well it will enable the user to progress to the next stage of their development and education. This will help create a system where effective resources are easily identified and used by a greater number of learners.

To this end, in order to prove the effectiveness of products and services, it is important to establish methods of capturing longitudinal student data on destination and progression post completion into (and within) employment or to additional education. We would welcome the opportunity to work with the Department on how this could be achieved.

Better support for pupils in the classroom

Pearson is actively investing in a wide range of digital resources and services ranging from specific learning programmes to performance analytics services. We believe that data generated from these products could greatly contribute to the learning process, offering the detail needed to make small corrections in direction on a day-to-day basis rather than "waiting for" big outcomes at the end of key stages or years. This means barriers to learning are quickly addressed and the loss of crucial time in the classroom when progress is not being made is minimised.

We also think dynamic and up-to-date data such as this could potentially play a greater role in the accountability system and we are looking at how these different types of data sets might be brought together in the future. As CentreForum's *School Choice and the Accountability* report proposed, parents should have the chance to create their own league tables, which have real meaning to them. Crucially, this would also allow them to track their child's progress as they progress through school, supplementing their current reliance on annual reports or the latest performance of pupils taking their GCSEs.

Learning beyond the classroom

As we move inexorably towards an "online all the time" world, particularly among schoolchildren, the opportunities for capturing data on each learner are increasing with almost each passing week. We also have an opportunity which we never had before to record and use data to personalize learning. The challenge that remains is that the vast majority of these data points are not *collected* or *connected*. Learning inside and outside of the classroom are rarely connected. Similarly, an individual's training and learning is rarely connected once they have left full time education.

Ensuring that different data sets are coherent in the way they are collected and reported, and can be consistently and easily linked back to individual learners, is critical to enable organisations to maximise the benefits of further data release for efficacy and measurement of progress.

About Pearson

Pearson is the world's leading education company. From primary to secondary school, early learning to professional certification, our curriculum materials, multimedia learning tools and testing programmes help to educate more than 100 million people worldwide, through names including Edexcel, BTEC, Longman and Heinemann. Pearson has also played an increasing role in the development and delivery of products which use data to drive improvements in achievement, including our ResultsPlus and Bug Club online reading programme.

Proposed amendments to Individual Pupil Information Prescribed Persons Regulations

Consultation Response Form

The closing date for this consultation is: 18 December
2012

Your comments must reach us by that date.

1 Do you agree with the proposal to widen the purposes for which data from the National Pupil Database can be shared? Please explain the reasons for your answer.

Comments:

As stated in the consultation documents, the current arrangements refuse requests for access to these data if they fall outside 'research into educational achievement' and this has meant rejecting requests related to areas of research such as children's lifestyle and health. Clearly, it is in the national interest to support the development and progression of children as they mature and this is not achieved solely by considering their educational achievement. Widening access to data such as these will encourage and support research into aspects related to the overall development of children. This will help build a better informed picture of children's progression and enhance research into their educational achievements, which in turn will better support policy-making at both a local and national level.

2 How could you or your organisation potentially use the data?

Comments:

AQA is an educational charity whose aim is to bring out the best in students and teachers by providing services that lead to inspiring lessons and great learning. This includes accurate assessment through our suite of qualifications and collaborating with and supporting teachers to create innovative educational resources and environments. At the heart of this work is the understanding of the backgrounds and needs of children and knowledge of their educational and personal development. The National Pupil Database is a resource which will greatly enhance this understanding and knowledge. AQA is also mindful of the Government's strategy on participation to improve the opportunities of young people so they can succeed in education and training. Use of the National Pupil Database, cross-referencing pupil characteristics against their performance in AQA assessments will enable AQA to monitor how well it meets these demands. This in turn will help AQA to design better assessment instruments, further develop learning and teaching resources, whilst at the same time ensuring national standards are maintained.

3 What do you see as the benefits of widening the purposes for which data can be shared?

Comments:

Please refer to the response to Question 1.

4 Do you have any other comments you would like to make about the proposals in this consultation document?

Comments:

AQA is greatly encouraged by the proposal in that it is genuinely supportive of legitimate research and increases transparency by widening the level of access to these data. At the same time, AQA welcomes the Department's proposed approach to operating a robust approval process with strict terms and conditions on data security, handling and use. It is appreciated that at this stage it is not possible to discuss the finer detail of the data that will be made available

(e.g. pupil identifiers and characteristics) but, assuming the Department receives positive responses to the consultation exercise, it is hoped that such discussion can then take place.

5 Please let us have your views on responding to this consultation (e.g. the number and type of questions, whether it was easy to find, understand, complete etc.).

Comments:

The proposal is well presented and easy to find on the Department's web site. The number and type of questions are entirely appropriate at this stage.

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The Department will process your personal data (name and address and any other identifying material) in accordance with the Data Protection Act 1998, and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Please tick if you want us to keep your response confidential.

Reason for confidentiality: _____

Name

[REDACTED]

Organisation (if applicable) Biometrics Institute

Address:

[REDACTED]

If you have a query relating to the policy content of the consultation you can contact the Department by telephone: 0370 000 2288 or via the Department's 'Contact Us' page.

If you have a query relating to the consultation process you can contact the Public Communications Unit on:

Telephone: 0370 0002288

e-mail: consultation.unit@education.gsi.gov.uk

1 Do you agree with the proposal to widen the purposes for which data from the National Pupil Database can be shared? Please explain the reasons for your answer.

Comments:

The Biometrics Institute does not agree with the current proposals on the grounds that there are insufficient safeguards against data misuse, mining, misappropriation, data sharing for imprecise purposes linkage and onward sale, function and mission creep, and inadequate data protection and privacy and inadequate ethical codes.

The Department for Education is invited to read the whole of our attached submission to understand our concerns.

2 How could you or your organisation potentially use the data?

Comments:

Applies only insofar as the Biometric Institute has offered to work with the Department to provide a guide to using biometrics in school systems. The Biometric Institute would not use the data directly but some of our members may do so.

The Institute has an international awareness raising and educational role in contemporary discussions with governments and industry regarding the legal and ethical use of biometric data (such as the National Pupils Register data) and on the creation of technological innovations and technical standards. As a key mission goal, the Biometrics Institute aims for international high quality standards and ethical practice in data handling, including biometrics.

3 What do you see as the benefits of widening the purposes for which data can be shared?

Comments:

Access to summary records for PUBLIC SECTOR educational, social and health agencies would be helpful in times of crisis (including family care crises) and, in circumstances to be clearly defined, might be appropriate for policing purposes. There should not be blanket access to full records for the hundreds of people in local authorities and the numerous semi-privatised and outsourced agencies working on their behalf in any area where personal information is processed.

New methods of pedagogy and online integration of pupil learning have not been sufficiently examined in the Department for Education's proposals. For example, the proposal ignores Google campus which links up to Facebook and is part of an 'educational' online experience which may lead to more information sharing, the significance of which young children and their parents may not appreciate.

4 Do you have any other comments you would like to make about the proposals in this consultation document?

Comments:

Yes. The Institute wishes to comment under this heading. Please refer to the attached word document.

5 Please let us have your views on responding to this consultation (e.g. the number and type of questions, whether it was easy to find, understand, complete etc.).

Comments:

Seems reasonable.

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

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Proposed amendments to Individual Pupil Information Prescribed Persons Regulations

Consultation Response Form

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Department for Education

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Please tick if you want us to keep your response confidential.

Reason for confidentiality:

Name

[REDACTED]

Organisation (if applicable) University of Essex

Address:

[REDACTED]

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Please Specify:

Professor of Political Theory, Department of Government, University of Essex Co-investigator, IMPRINTS (Identity Management -Public Responses to Identity Technologies and Services) is a comparative and multidisciplinary research project, asking about the influences on UK and US publics to engage and/or disengage with identity management practices, services and technologies of the future (www.imprintsfutures.org)

1 Do you agree with the proposal to widen the purposes for which data from the National Pupil Database can be shared? Please explain the reasons for your answer.

Comments:

The proposed extension of the uses of the National Pupil Database does not state clearly enough the potential uses of the data disclosed. This is partly due to the fact that data will be released (under terms and conditions) in order to spur new innovative analyses outside standard government statistics. However, criteria on potential uses need to be clear in advance. Especially, if parents are to give their consent.

The terms are based on an elaborate and rigorous framework for selecting companies and research organisations that will use the data. However, there seems to be little provision on the exact ways data will be handled during analysis. The critical question here is whether the data sets released are going to be used on their own or collated to other data collected through commercial research or freely available on the Internet. Future users should not only ensure they have in place strict procedures for the handling of the data. They should also be obliged to provide a detailed account of the methodologies used for analysing the data, potential aggregation with other data and the purposes of the analysis.

Another issue of critical importance is the possibility of social sorting through the data released. There are provisions in the guidelines in order not to identify specific individuals during analysis and publication of results. However, it is relatively easy, especially if additional data is incorporated during analysis, to link children data to their family's behavioural patterns and create a very concise picture of their educational achievements, consumer preferences, consumption habits and general life style. Such complete profiling of families raises serious concerns on surveillance and the breach of not only privacy but also trust on government when providing personal data.

2 How could you or your organisation potentially use the data?

Comments:

Universities will be able target top students from early stages and create appealing offers in order to enrol them in their curriculum.

3 What do you see as the benefits of widening the purposes for which data can be shared?

Comments:

The possibility of customising educational services in order to promote excellence is always appealing. It should be, however, balanced against the very strong possibility of reproducing social inequalities and allow function creep. Moreover, customized services need to allow children to explore their interests and experiment with different areas of knowledge instead of channelling them very early on specific academic areas based on data analytics. There must be safeguards against these dangers. Most importantly, the way original data is collected and classified should be critically examined in order to prevent the reproduction of inequalities.

4 Do you have any other comments you would like to make about the proposals in this consultation document?

Comments: No

5 Please let us have your views on responding to this consultation (e.g. the number and type of questions, whether it was easy to find, understand, complete etc.).

Comments:

Questions in the consultation process invite primarily positive feedback and suggestions for future uses of the data to be released. There should be space for stakeholders to raise their concerns and fears on the matter.

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

Please acknowledge this reply x

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The response from IM Services and the information authority is as follows:

We agree with the proposal to make NPD data more available for transparency purposes, however, we would note that it is important to have significant safeguards to ensure complete anonymity of such a sensitive data set.

Response from the University of Surrey

1. Do you agree with the proposal to widen the purposes for which data from the NPD can be shared? Please explain the reasons for your answers.

Yes, I agree that the NPD should be used to enable wider research and analysis (beyond educational achievement), to support services for which use of the data could be relevant (e.g. where to locate local infrastructure and services); to enable commercial and non-profit organisations to produce information advice and guidance.

I think that the NPD should be used for purposes that might advance the social good. To the extent that broadening the purposes for which the NPD could be used achieves this purpose, then this should be supported.

It would give tax payers better value for money as well. The most obvious issue is to maintain the confidentiality of the data and tailor this to the recipient and the purpose for which data access is required. For example, one might want to give researchers' access to home postcode for use in specific research projects but not to a commercial organisation.

It is very important that pupils and teachers are not put off completing the census because of the use to which the information is put (e.g. for marketing).

2. How would your organisation potentially use the data?

The CEP uses the NPD for use in specific research projects relating to educational attainment. So far, we have not had an application rejected based on the subject area of the research proposal. We would support the principle of broadening the scope of research projects that would be considered acceptable.

3. What do you see as the benefits of widening the purposes for which data can be shared? It potentially advances social good and gives the tax payer better value for money (response to 1).

4. Do you have any other comments you would like to make about the proposals in this consultation document?

I would like to see the NPD linked to other data sets (e.g. further and higher education; UCAS applications) and for this information to be made accessible to researchers (albeit under strict conditions).

The NPD is linkable in principle, but is not generally made available to researchers. This change would hugely advance the research potential of the NPD - from our point of view, to a greater extent than the proposals made in this consultation document.

Proposed amendments to Individual Pupil Information Prescribed Persons Regulations

Consultation Response Form

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Reason for confidentiality:

Name

Organisation (if applicable)

Address:

<input type="text"/>
<input type="text"/>

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e-mail: consultation.unit@education.qsi.gov.uk

Please mark an 'X' in the box that best describes you as a respondent.

<input type="checkbox"/>	Teacher/Head teacher	<input type="checkbox"/>	Parent/Carer	<input type="checkbox"/>	Pupil/Student
<input type="checkbox"/>	Teacher Union	<input checked="" type="checkbox"/>	Voluntary Sector/Not-for-profit Organisation	<input type="checkbox"/>	Local Authority
<input type="checkbox"/>	Commercial Organisation	<input type="checkbox"/>	Researcher/HEI	<input type="checkbox"/>	Government Organisation
<input checked="" type="checkbox"/>	Other				

1 Do you agree with the proposal to widen the purposes for which data from the National Pupil Database can be shared? Please explain the reasons for your answer.

<input type="checkbox"/>	Agree	<input checked="" type="checkbox"/>	Disagree	<input type="checkbox"/>	Not sure
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2 How could you or your organisation potentially use the data?

3 What do you see as the benefits of widening the purposes for which data can be shared?

4 Do you have any other comments you would like to make about the proposals in this consultation document?

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Thank you for taking time to respond to this consultation.

Completed questionnaires and other responses should be sent to the address shown below by 18 December 2012

Send by post to: Public Communications Unit, LG36, Mowden Hall, Staindrop Road, Darlington, DL9 3BG

Send by e-mail to: NPD.Consultation@education.gsi.gov.uk