

## **Scottish Government Education Analytical Services**

### **Information we obtain and hold about children and young people educated in, and the workforce of, Scotland's schools**

#### **Privacy Notice**

The Scottish Government's Education Analytical Services, which is part of the Scottish Government's Learning Directorate, has legal powers to request data with regards children and young people educated in, and the workforce of, Scotland's schools that schools, local authorities, awarding bodies (such as the Scottish Qualifications Authority) and other public bodies (such as Skills Development Scotland) hold for their own purposes.

For more information on the legislation which allows this to occur, see:

- [Education and Training Act 1973](#)
- [The Education \(Scotland\) Act 1980](#)
- [The Jordanhill School Grant Regulations 1988](#)
- [The Special Schools \(Scotland\) Grant Regulations 1990](#)
- [Education \(Scotland\) Act 1996](#)
- [Standards in Scotland's Schools etc. Act 2000](#)
- [Local Government in Scotland Act 2003](#)
- [Children and Young People \(Scotland\) Act 2014](#)

#### **Why do we need your data?**

We need this information about children, young people and the workforce in schools in order to:

- plan and deliver better policies for the benefit of all pupils, or specific groups
- better understand some of the factors which influence pupil attainment and achievement
- share good practice
- conduct teacher workforce planning
- target resources better
- enhance the quality of research to improve the lives of people in Scotland
- provide a window on society, the economy and on the work and performance of government by
  - [publishing statistical publications and additional tables about School Education](#)
  - [providing school level information](#)

More information about the Scottish Government's Learning Directorate is available at <https://beta.gov.scot/about/how-government-is-run/directorates/learning/>

## Data we collect

The data collected and processed by the Scottish Government will be on both children and young people being educated in Scotland's schools and staff working within these schools. The majority of the data on children is initially received by the school or local authority from parents/carers of children and young people when registering their child for education in Scotland, and is regularly maintained by the school and the local authority responsible. The workforce data is again initially collected by local authorities, and largely held on local authority management information systems.

Although schools and local authorities require and collect a lot of additional information about the children and young people it is responsible for educating, and for its own workforce, not all of this information is shared with the Scottish Government. For example, we will not receive contact details for pupils that are collected for use within the school when contacting parents, etc. **We also do not collect the names of children or of the school workforce.**

Information on qualifications achieved by young people are shared by awarding bodies (e.g. the Scottish Qualifications Authority (SQA)) and includes details on the level and result of qualifications taken by young people. Information on the destinations of school leavers collected three and nine months after young people leave school are collected and shared with the Scottish Government by Skills Development Scotland.

Information is also collected and held by the Scottish Government on the educational establishments available in Scotland (such as schools), including contact details for those establishments and email addresses.

The information on children and young people that will be shared with, and processed by, the Scottish Government will be:

- Child's Sex
- Child's Date of birth
- Unique child identifier – Scottish Candidate Number
- Child's School Stage
- Student Status
- Child's National Identity
- Child Ethnicity
- Child's Asylum status
- Child's Home Postcode
- Child registered for Free School Meals
- Child's Home Language
- Level of English as an Additional Language
- Indicator to show if the child receives Gaelic medium education.
- Child's Additional Support Needs reasons and plan type
- Nature of additional support provided
- Access to physical, curriculum, or communication adaptation required
- Whether the child is a looked after child (e.g. in community/residential care)
- Child's mode of attendance at school (special schools only)

- Child's mainstream integration
- Local authority(s) for where the school the child is being educated
- School identifier(s) for which school the child is being educated at
- Details of achievement against Curriculum for Excellence (CfE) levels in literacy and numeracy
- Details of child's attendance and absence
- Details of child's exclusions
- Admission date
- Details of qualifications
- School leaver destination

The data shared with, and processed by, the Scottish Government on the school workforce will be:

- Staff Sex
- Staff Date of birth
- Staff's registration number with governing body (i.e. GTCS)
- Staff teaching through medium of Gaelic
- Staff's National Identity
- Staff's Ethnic Background
- Staff undertaking programme for Chartered Teacher Status
- Staff undertaking programme for Headship
- Staff achieved standard for Headship
- Staff able to teach through Gaelic medium
- Staff Grade
- Staff status
- Local authority(s) the staff member is employed with
- School(s) the staff member is employed at
- Working pattern (i.e. Full-Time Equivalent)
- Staff Employment Type (e.g. permanent)
- Post Funding Type
- Staff Roman Catholic Approved
- Staff post Start and End Dates
- Staff's Entry to Post Category
- Staff's Reason for Leaving
- Staff's Subject(s) Taught

A complete list of the data specifications and guidance notes for the Scottish Government's School Education data collections can be found here:

<http://www.gov.scot/Topics/Statistics/ScotXed/SchoolEducation>

## **Who is processing the data for this project?**

The source for most of this data is information held on local authority data management systems on children receiving education within Scotland, and its workforce.

The local authority data management system for the majority of this children and young people data is SEEMiS Group who process data for local authorities in Scotland. SEEMiS are not using this data for their own purposes. SEEMiS Group are an education Management Information System provider and may be contacted at [letters@seemis.gov.scot](mailto:letters@seemis.gov.scot).

However, not all of the data transferred to the Scottish Government is held on SEEMiS. Some information will come directly from other local authority management information systems, or from other public bodies, to the Scottish Government.

ScotXed (within the Scottish Government) will securely transfer the data from SEEMiS, local authority systems or other public body's systems using secure transfer software and processes for collecting and validating data.

## **How do we collect and store the data**

The transferring of individual level data between schools, local authorities and other public bodies with the Scottish Government uses ProcXed, a secure software for collecting and validating data. Some data is transferred directly from awarding bodies and public bodies using secure transfer systems. The storage of this data within Scottish Government, is managed effectively by the ScotXed Unit (within the Scottish Government).

## **Protecting Individuals**

The individual data about children and young people educated in, and the workforce of, Scotland's schools is collected by the Scottish Government's Education Analytical Services for **statistical and research purposes only** for the performance of a task carried out for reasons of public interest.

The Scottish Government will not publish or make publicly available any information that allows individual people be identified, nor will data be used by Scottish Government to take any actions in respect of individuals.

## **Requirements of Others**

Schools, local authorities and other public bodies who originally collected the data from individuals are required to provide privacy notices to its staff, parents and its children and young people to explain how their personal data will be collected and used, and who it will be shared with.

## **Retention of Data**

Education data within the Scottish Government is managed effectively by secure systems on secure servers and is exploited as a valuable corporate resource, subject to confidentiality restraints.

Regarding the retention of data, [Article 5](#) of the GDPR “Principles relating to processing of personal data” states:

*“personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals”.*

The data are processed in line with this legislation. The information collected will be used to inform planning and provision of education, and the linkage of such data to educational outcomes or health data. For example, researchers or charities may be interested in applying for access to education data to meet their own research needs.

## **Data sharing must meet legal requirements**

On occasion, we may share data on individuals when it is lawful and ethical to do so, and after we have considered the following questions:

- is it in the public interest to share the data?
- are we only sharing the minimum amount of data and for the shortest possible time to meet the request?
- does the data sharing comply with the law and have we got the right consent, if needed?
- does the organisation asking for the data have sufficient security standards themselves and are they aware of statistical disclosure controls?

Organisations we may share individual level data with are

- Education Scotland in order for this agency to carry out its functions
- National Records of Scotland to carry out research relating to the national population census
- Academic institutions and organisations to carry out additional research and statistical analysis which helps inform policy development and contributes to improving outcomes for Scotland’s people
- Other Public Bodies who require the data in order to carry out their official functions.

## How we meet ethical standards

Any sharing or linkage of data will be done under the strict control of Scottish Government, and will be consistent with our data policy and the National Data [Linkage](#) Guiding Principles. Decisions on the sharing or linkage of data will be taken in consultation with relevant colleagues and individuals within and outwith Scottish Government as part of a Data Access Panel. At all times the rights of the individual (children or adults) under the GDPR and other relevant legislation will be ensured.

## What are my individual rights?

[Article 21](#) of the GDPR gives individuals the right to object to the processing of their personal data. However, where the processing personal data is for scientific or historical research, or statistical purposes, your right to object is more restricted.

[Article 21](#) (6) states:

*“Where personal data are processed for scientific or historical research purposes or statistical purposes pursuant to [Article 89\(1\)](#), the data subject, on grounds relating to his or her personal situation, shall have the right to object to processing of personal data concerning him or her, unless the processing is necessary for the performance of a task carried out for reasons of public interest.”*

As the data we process is lawfully gathered and necessary for the performance of a task carried out for reasons of public interest, you do not have a right to object to the processing of your personal data because it is necessary for the performance of a task carried out in the public interest.

Also, as we require this data for the performance of a task carried out in the public interest (and for no other purpose, such as direct marketing), [Article 17\(3\)](#) of the GDPR states that we are also not required to erase any personal data as we need to retain this data for this purpose.

The Data Protection Act received Royal Assent on 23 May 2018. [Part 6](#) of this Act “*Derogations etc. based on Article 89 for Research, Statistics and Archiving*” states that certain GDPR provisions do not apply to personal data processed for—

- (a) scientific or historical research purposes, or
- (b) statistical purposes,

to the extent that the application of those provisions would prevent or seriously impair the achievement of the purposes in question. However, these exemptions are only available where:

- (a) the personal data is processed in accordance with [Article 89\(1\)](#) of the GDPR (as supplemented by section 19), and
- (b) as regards the disapplication of Article 15(1) to (3), the results of the research or any resulting statistics are not made available in a form which identifies a data subject.

[Part 6](#) of this Act “*Derogations etc. based on Article 89 for Research, Statistics and Archiving*” also states that certain GDPR provisions do not apply to personal data processed for—

(a) archiving purposes in the public interest

to the extent that the application of those provisions would prevent or seriously impair the achievement of those purposes. However, these exemptions are only available where:

(a) the personal data is processed in accordance with Article 89(1) of the GDPR (as supplemented by section 19).

As the data we process is lawfully gathered and processed for Research, Statistics and Archiving in the public interest, in accordance with [Article 89\(1\)](#) of the GDPR, and that any results of the research or resulting statistics are not made available in a form which identifies individual children, young people or adults, you do not have a right to request access to the data we hold.

#### **How often will this Privacy Notice be reviewed?**

This Privacy Notice will be reviewed on an annual basis. It was last reviewed and updated in July 2018.

#### **What if I have concerns?**

The Data Protection Officer for this data is the Data Protection & Information Assets team, [dpa@gov.scot](mailto:dpa@gov.scot).

If you have any concerns around this data collection please contact the DPIAT team, or Mick Wilson, Head of Education Analytical Services ([Mick.Wilson@gov.scot](mailto:Mick.Wilson@gov.scot)).

- or by writing to us at: Education Analytical Services, Area 2A-North, Victoria Quay, Leith, Edinburgh, EH6 6QQ.

Alternatively complaints may be raised with the Information Commissioners Office at [casework@ico.org.uk](mailto:casework@ico.org.uk).