Data Protection and the Every Child Counts Data System
Information for Schools

The Every Child Counts (ECC) online data system is a data processing system. Edge Hill University (EHU) provides it as a service to the schools that take part in ECC programmes. EHU and each school that enters pupil data on the system are identified as data controllers.

Definitions

Data Protection Authority: the relevant data protection authority in the territories where the Parties are established, here the Information Commissioner's Office (ICO).

DPA: the Data Protection Act 1998 (DPA), the Data Protection Directive (*95/46/EC*), from May 25th 2018 - the General Data Protection Regulation (2016/679) (GDPR), the Electronic Communications Data Protection Directive (*2002/58/EC*), the Privacy and Electronic Communications (EC Directive) Regulations 2003 (*SI 2426/2003*) (as amended) and all applicable laws and regulations relating to the processing of the Personal Data and privacy, including where applicable the guidance and codes of practice issued by the UK Information Commissioner or any other national data protection authority, and the equivalent of any of the foregoing in any relevant jurisdiction.

Data Security Breach: a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to the Shared Personal Data.

Data Controller, Data Processor, Data Subject and Personal Data, Sensitive Personal Data, Special Category Data and processing shall have the meanings given to them in the DPA and the GDPR.

Purpose

This notification reflects the arrangements that have been agreed to facilitate the sharing of personal data relating to pupils between the Parties acting as data controllers and explains the purposes for which the personal data may be used.

Schools may use the data to:

- track the progress made by individual pupils and share this with parents

- monitor the progress made by groups of pupils, including vulnerable groups, and share this with governors and inspectors

- benchmark your school's outcomes against national ECC outcomes and evaluate and improve the effectiveness of your ECC programmes.

EHU may use the data to:

- provide reports for schools for the above purposes

- evaluate and improve the effectiveness of ECC programmes for schools across the country and share national outcomes with schools and interested parties

- research the implementation and impact of ECC.

Compliance with National Data Protection Laws

The shared personal data must not be irrelevant or excessive with regard to the Agreed Purpose. Processing is necessary for the performance of a task carried out for the legitimate interest pursued by the controllers or by a third party, except where such interest are overridden by the interests or fundamental rights or freedoms of the data subject which requires protection of personal data (GDPR Art 6. 1 (f))

Each school that enters pupil data has been identified as a data controller.

Security

The online data system is currently operated on behalf of EHU by Data Architects Ltd., who are certified as meeting the ISO 27001 standard for information security management. Data Architects Ltd. is recognised as a data processor for this purpose. Data that is processed directly by EHU is governed by EHU's Information Security Policy, which is aligned to ISO 27001.

The online system is password protected and schools can only enter and view data relating to their own pupils. Only authorised EHU staff can access the data and no hard copy records are stored. EHU will not share the data with any third party and will not transfer it outside the European Union.

Retention

EHU will retain records on the online data system for up to four years after their entry date and will then archive them and delete them from the online system. EHU will anonymise the archived records so that no pupil or school can be identified and will retain them on its secure internal network for evaluation and research purposes.

PERSONAL DATA or ANONYMISED DATA?

As a school, you can decide whether you want to enter personal data or anonymised data about each pupil - or personal for some and anonymised for others.

Personal data is data that could enable a pupil to be identified, e.g. their name and date of birth and characteristics such as pupil premium eligibility and special need

The advantage of entering personal data is that the more information you put into the system, the more your reports will include. It is more straightforward to share a pupil report with a parent if it states their child's actual name rather than, for example, "Child A". Your school report will analyse the impact of ECC for vulnerable groups such as pupil premium children, but can only do so if this information has been entered.

If you want to enter personal data on the system then, as the data controller, you need to have a legal basis for doing this. You might decide that this is covered by parental consent that you have already obtained or on some other basis. Alternatively, you might decide that you need to obtain specific consent from parents to use the ECC data system. If so, we have provided a sample consent form that you can use or adapt if you wish, or you can design your own form. Your school should keep the signed forms; you do not need to send them to us.

If a parent later withdraws their consent, just let us know and we will anonymise the pupil's data on the system.

Anonymised Data is non-personal data that cannot be used to identify a pupil. You can enter anonymised data on the system for any pupil for whom you decide not to enter personal data. EHU will be unable to identify the pupil and so would anyone who gained unauthorised access to the system.

If you decide to enter anonymised data for a pupil, then:

1. On the <u>Child Details</u> page, enter a pseudonym for their name, e.g. "*Pupil A*" or "*Class 3 Child 1*" or "*Lewis Hamilton*". Keep a record of the pseudonyms that you have used, so that you can recognise them in the reports that you download.

2. On the <u>Background</u> page:

   a. Enter their date of birth as being the first day of the month of their actual date of birth, e.g. "*01/05/2008*" instead of "*17/05/2008*".

   b. Decide whether you wish to answer the questions about Pupil Premium, Special Educational Need and Home Language. If you think your answers would enable the pupil to be identified, then just select *'not relevant'* or *'not known'*.

   c. Answer the other questions as normal (entry test date, school year and gender).

3. Answer all the questions on the <u>Entry</u> and <u>Exit</u> pages as normal (test data, teacher assessments, exit date and status, number of lessons etc.).

4. If you add any comments, remember to use the pupil's pseudonym and to avoid details that could identify them.