



Early Learning and Childcare Data Transformation Project

Data Protection Impact Assessment

Information Assurance and Risk

May 2018



Scottish Government
Riaghaltas na h-Alba
gov.scot

Data Protection Impact Assessment (DPIA) – Early Learning and Childcare (ELC) Data Transformation Project

1. Introduction

The purpose of this document is to report on and assess against any potential privacy impacts as a result of the implementation of the ELC Data Transformation Project which will introduce an individual level census for funded ELC.

2. Document metadata

2.1 Name of Project – ELC Data Transformation Project

2.2 Date of report – May 2018

2.3 Author of report – Keira Gore and David Gregory, Children & Families Analysis, Scottish Government.

2.4 Information Asset Owner (IAO) of relevant business unit – Mick Wilson

2.5 Date for review of Data Protection Impact Assessment (DPIA) - Review in 2021 once the new ELC census collection is in place.

3. Description of the project

3.1 The ELC Data Transformation Project (ELC DTP) is aiming to improve the information available on this sector and reduce the burden for data providers in ELC. Our primary purpose is to enable us to contribute to the aims of the wider ELC expansion programme. By monitoring ELC uptake rates and analysing these by children's characteristics, and having the ability to link ELC data to other data available on children (such as social work, education or health data) we can contribute to the aims of improving outcomes for children and reducing inequalities.

The Scottish Government currently performs an annual ELC census to monitor the use of funded ELC. Data is collected on both staff working at settings delivering funded ELC and the children who attend. For children all data is aggregated prior to collection and for staff some information is collected at individual level, such as their SSSC registration number. The current aggregated census has been identified as not meeting the needs of users and therefore this project, the ELC DTP, has been designed to create a new individual level census. To help establish the new collection process, a series of trials will be run to test and improve the process before it is fully implemented as the new census.

Individual level data is currently gathered by local authorities on children in funded ELC for their own purposes but the Scottish Government are not able to access it. In the majority of cases we are not requiring additional data items to be collected, it is more for it to be transferred to the Scottish Government for further analysis.

We aim to collect information on child ethnicity, home language, additional support needs, and home postcode which will be used to look at the level of deprivation for children enrolled (using SIMD analysis). We intend to use this information to help identify specific groups for targeted support and improve the outcomes for children. The current aggregate level census does not allow for this to happen.

The collection method and specification we are working towards for ELC is similar to the school pupil census which is a well-established rich, robust dataset which is collected and stored through highly secure procedures.

We are also working with stakeholder organisations such as the Care Inspectorate (CI), Scottish Social Services Council (SSSC) and Education Scotland to identify and reduce areas of duplication in data collection across these organisations for the early years sector.

This project will also improve the amount and quality of information local authorities hold on the funded ELC sector, allowing them to monitor the provision they provide more effectively and efficiently.

With respect to governance, the ELC DTP is being considered as part of the wider ELC expansion programme (to extend funded hours to 1,140), and is being governed through this route. A detailed risk register is maintained showing possible risks to the project. Risks are reported to the ELC cluster (an internal group of analysts working on analysing ELC) and onwards to the wider ELC programme steering group where appropriate. There is an ELC Census Development Advisory group which includes representatives from local authorities, Scottish Childminding Association (SCMA), CI, SSSC, Early Years Scotland and National Day Nursery Association (NDNA), who oversee the project. There is also a network of local authority data providers who give advice on elements of the project.

The data controllers for the ELC census are the Scottish Government, local authorities and the ELC settings themselves. Much of the required census data is already collected by ELC settings or the local authority when a child is registered for funded ELC.

ScotXed (an IT unit in the Scottish Government who provide secure and effective electronic data exchanges) will receive data from local authorities which has been processed by SEEMiS, the data management system used by all local authorities to record education data. If local authorities decide that they do not want to process their ELC data through SEEMiS, the data will be transferred directly from the local authority to ScotXed.

3.2 Data will be processed on both children enrolled for funded ELC and staff working in funded ELC.

The information on children that will be collected and processed for the Scottish Government will be:

- Sex
- Date of birth

- Unique child identifier - still to be established
- Home postcode
- Child's home language
- Ethnicity
- Disability status
- Additional support needs
- Support plans in place
- Funded hours a child is enrolled for
- Days of the week that a child is enrolled for funded hours
- Weeks per year that the child is enrolled for funded hours
- Stage child is enrolled in (i.e. under 2, 2 year old, 3 year old, 4 year old, deferred)
- Reason for eligibility for 2 year olds
- Setting(s) a child is enrolled at
- If they receive Gaelic medium education.

The data collected and processed (as part of the main school staff census) on teachers and staff who hold or are working towards degree level (SCQF level 9 or above) qualifications will be:

- Sex
- Date of birth or possibly month and year of birth
- Registration number with governing body (i.e. SSSC or GTCS)
- Nationality
- Ethnicity
- Setting(s) the staff member is employed at
- Working pattern (i.e. hours or FTE).

This project aims to replace the existing ELC census, and improve the availability and quality of the data held on this sector. Accurate and up-to-date data allows us to:

- Better understand how ELC is utilised by families, for example, by looking at the pattern of provision adopted throughout the year;
- Improve the availability, accuracy and content coverage of data to inform future resource and workforce planning;
- Improve the analysis possible to provide recommendations and changes to the funded provision available to improve the lives of young people in Scotland and reduce inequalities.
- Improve the data collection methodology and make it more efficient, and reduce duplications of data collections.

The Scottish Government provides analysis of the data to support research, planning, management and monitoring of ELC provision as well as to produce National Statistics publications.

To meet the needs of the ELC expansion there is a greater onus upon the Scottish Government to gain more in depth information regarding how ELC funded hours are being used, in tandem with issues such as promoting equality and gaining greater insight into potential socioeconomic issues and challenges faced by low income families in accessing funded ELC. This will provide more accurate and robust data on the sector and allow for more informed decisions to be made across the spectrum of stakeholders including the Scottish Government, local authorities, settings, families and communities.

The inclusion of home postcode offers the potential to link data with SIMD and gain greater insight into how funded ELC is being used across families from different socio-economic groups in Scotland. SIMD represents the Scottish Index of Multiple Deprivation which consist of a series of indicators (such as Health and Employment) to rank areas of deprivation in Scotland. The collection of hours, days per week and weeks per year data will enable far greater insight into the patterns of provision that are currently utilised by families. This information as well as information on additional support needs will provide better insight into future resource planning and how these needs can be best met. Linking in these different aspects will also enable the collaboration of resources to more efficiently and holistically meet the needs of families, and support them and their children using funded ELC.

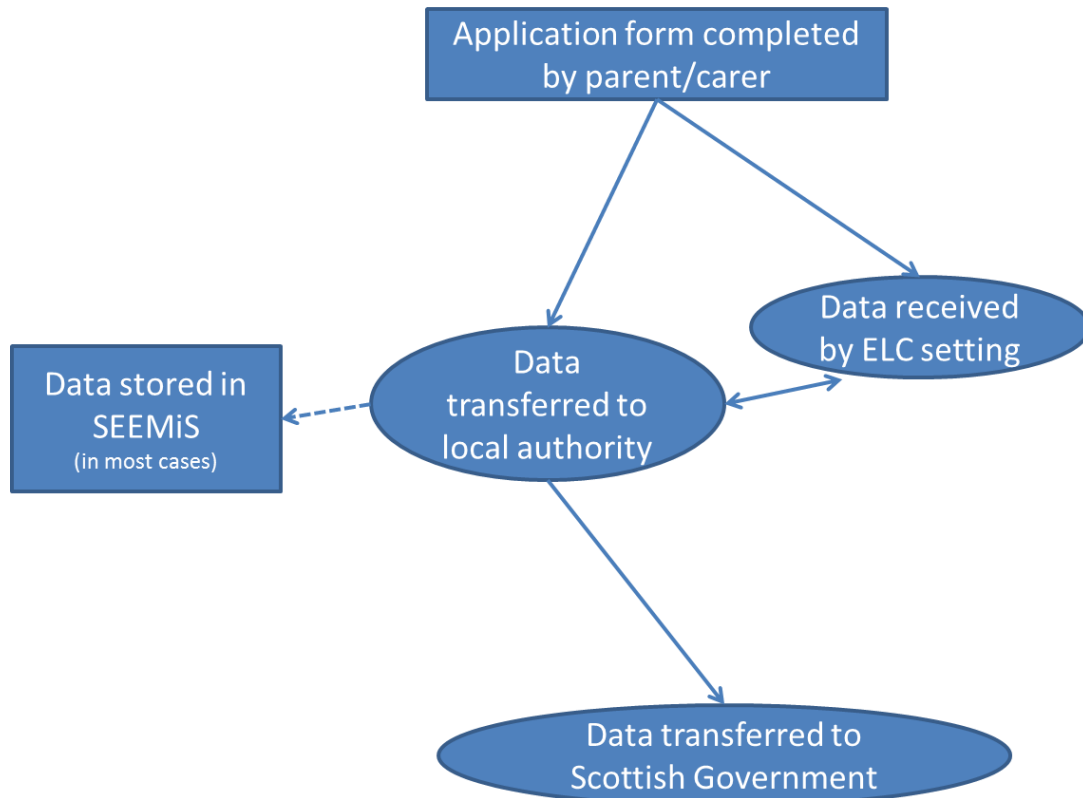
Although full name and address, possibly medical information, and contact details will be collected by the local authority for the routine business of ELC settings, this information will not be shared with the Scottish Government.

3.3 The Scottish Government will receive information on funded ELC from the local authority who in turn will have gathered the data from the ELC settings or parents/carers directly.

For children accessing funded ELC a lot of the data held on them is gathered through the ELC application form which is completed by the parent/carer when they apply for a place either at a setting (e.g. a nursery) or directly to the local authority. If the parent applies at a setting then information is transferred to the local authority to complete the application and create a record for that child in their data management system (typically SEEMiS in the majority of local authorities) to monitor provision. The records will be maintained and held securely by the local authority throughout the year. At the time of the new ELC census, an extract of this data will then be securely transferred to the Scottish Government directly from the data management system to ScotXed. Data will be transferred using ProcXed, a secure system for collecting and validating data. Information will then be held on secure networks and servers within the Scottish Government. Access to these datasets is restricted to a limited number of analysts and controlled by ScotXed who maintain records on who can access the data.

The diagram below indicates the flow of data on children in funded ELC.

Parent/carer looks to register child for funded ELC:



Access to this data will be limited within settings, local authorities and the Scottish Government. Within the Scottish Government it will be stored in secure areas of the SAS server with restricted access, limited to a small number of trained staff.

Data on children in ELC will be stored indefinitely by the Scottish Government for statistical and research purposes. The Scottish Government will not publish or make publicly available any information that allows individual children or staff to be identified, nor will data be used by Scottish Government to take any actions in respect of individuals. The data will be owned and managed by statisticians in the Children and Families Analysis unit within the Division for Education Analytical Services.

Annually a new extract of data will be received to report on the current cohort of children accessing funded ELC and to allow us to monitor trends over time. Quality assurance procedures will be carried out each time a new extract of data is received from local authorities and any issues will be queried with the local authority involved. These local authorities are bound by the same data protection legislation as the Scottish Government to ensure the correct secure handling of this data.

Data on staff working in ELC will be recorded and transferred through similar processes, through SEEMiS in the majority of cases, as part of the school staff census annually in September. The information will be collected by the schools or ELC settings, or the local authority in the case of centrally employed staff. SEEMiS Group process data for schools and capture data on children and staff in ELC settings for a majority of providers of funded ELC. They do not use the data for their own purposes. The data collected as part of this project will be held by the

Scottish Government, within Scotland, and not subject to being shared outside the European Economic Area. SEEMiS Group are an education Management Information System provider and may be contacted at letters@seemis.gov.scot.

3.4 Legal gateway for sharing

The Scottish Government's ELC census aims to collect information on child ethnicity, home language, additional support needs, and home postcode for SIMD analysis so that this information can be used to help improve the outcomes for children and reduce inequalities. Under education related legislation Scottish Ministers and education authorities have a number of duties in relation to school education that include duties in relation to ELC.

Scottish Ministers and education authorities have a legal obligation to assess education and therefore require accurate data on ELC provision to meet these duties. For example, linking ELC uptake rates with information on the children enrolled in funded ELC allows for consideration of flexible yet effective ways to deliver ELC. In addition, having richer, more considered information available helps identify areas to improve the quality of education and care, reducing inequalities in outcomes for children.

In the view of the Scottish Government, there is a legitimate condition for processing as this data is needed to perform a task carried out in the public interest.

4. Stakeholder analysis and consultation

The current project runs alongside the expansion of funded Early Learning and Childcare (ELC). This has in turn resulted in the need for both new and more detailed data for this sector. A public data consultation was undertaken between 9th November 2015 to 6th January 2016 to identify what data is currently collected and what future data needs are likely to be. There was a particular focus on the Scottish Government ELC census collection as this has the greatest scope for change. The [recommendations](#) from this consultation were published in August 2017 and highlighted several areas where greater insight and better quality data could be collected including: individual child level data, ethnicity, additional support needs, and the postcode and the local authority of the child's placement to identify cross-border placements. Contact details are available on the project [web page](#) for users who wish to learn more about the project.

4.1 Groups involved in the project, and their interest

There are several relevant stakeholder groups in this project. These include the 32 local authorities across Scotland that administer funded ELC, the settings which provide these funded hours to children, policy teams within the Scottish Government and ministers such as the Minister for Childcare and Early Years. Other stakeholders include the Care Inspectorate, Scottish Social Services Council and the Scottish Childminding Association. The advisory group for the project (mentioned in 3.1)

brings representatives from many stakeholder organisations together to advise on and help progress the project.

4.2 Detail the method used to consult with these groups when making the DPIA

Advice will be continuously sought from a range of stakeholders and relevant sources such as local authority representatives, ELC policy members within the Scottish Government and the advisory group. A copy of the draft DPIA was circulated to relevant stakeholders for their review.

4.3 Discuss the means used to communicate the outcomes of the DPIA with the stakeholder groups

The creation of the DPIA will be highlighted with local authorities and other relevant stakeholders through email and discussion with the ELC Census Development Advisory Group, and we circulated the DPIA in draft form to the ELC Census Development Advisory Group prior to publication.

We intend to publish the DPIA on the Scottish Government website, either in full or a summarised version.

5. Questions to identify privacy issues

5.1 Involvement of multiple organisations

- Will the initiative involve multiple organisations, whether they are public service partners, voluntary sector organisations or private sector companies?

Yes. ELC Settings (public, private and voluntary organisations) will collect the data from parents/carers in the majority of cases and either send it to local authorities who then enter it on the SEEMiS system, or the setting will enter the data directly in NAMS (a SEEMiS application) in some cases. SEEMiS Group will be the main data processor for the ELC DTP, and ScotXed (part of the Scottish Government) will carry out further data processing to allow SG analysts to receive an extract of the data from local authorities. Not all funded ELC will be recorded in SEEMiS. Local authorities may decide to use other data management systems to record ELC data.

The ELC Census Development Advisory Group includes representatives from local authorities but also other stakeholders such as the Care Inspectorate and Education Scotland. A streamlining subgroup also exists with representation from the Education Scotland, Care Inspectorate and SSSC with the purpose of ensuring that each of the ELC statistical collections across these organisations have a specific and clear purpose and gather appropriate information without duplication of effort by data providers, whilst being able to collectively meet the data needs of the sector.

5.2 Anonymity and pseudo-anonymity

- If the project requires the matching of data sources together, would it become possible to identify an individual?

The project and resulting census data will contain personal data such as date of birth, home postcode and a unique identifier of the child. There is the potential that in the future the data may be linked to other sources of data such as social work, health and education data. Full name and address will not be received by the Scottish Government. 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 staff) under data protection legislation will be ensured. As part of its data policy, Scottish Government will not publish or make publicly available any information that allows individual children or staff to be identified, nor will data be used by Scottish Government to take any actions in respect of individuals. When publishing data, any information on fewer than five children will be suppressed for disclosure purposes.

5.3 Technology

- Will there be new or additional information technologies that have substantial potential for privacy intrusion?

It will be a change in the processing of data for funded ELC as individual child level data will be transferred between local authorities and the Scottish Government which doesn't currently happen. However the process is secure and is similar to the process currently used for the pupil census, and there have been no cases of the privacy of pupils or teachers being jeopardised through this data collection.

5.4 Identification methods

- Will there be the creation of new identifiers or re-using of existing identifiers?

Yes. A unique learner number will be created permitting data to be collated for each individual child if they have more than one record, and allowing the data to be processed accurately. Prior to establishing this identifier, the SEEMiS reference number will be used (where available) alongside other characteristics data to match records where a child has multiple records.

- Will there be new or substantially changed identity authentication requirements that may be intrusive or onerous?

No.

- What type of unique identifiers will be used in the project? These might have the effect of enabling identification of persons who were previously anonymous.

We are considering introducing a unique learner number. Otherwise the date of birth of the child, their home postcode, and the SEEMiS reference number (where available) will be used to identify individuals. Currently these data are held by local authorities which enables individuals to be identified alongside full name and address. If a unique learner number can be successfully introduced this will reduce the amount of personal data that needs to be used to identify individuals.

5.5 Personal data

- Will there be new or significant changes to the handling of types of personal data that may be of particular concern to individuals? This could include information about racial and ethnic origin, political opinions, health, sexual life, offences and court proceedings, finances and information that could enable identity theft.

Yes. Data collected at an individual level as laid out in point 3.2 will be shared with the Scottish Government. The data will include aspects such as sex, ethnicity and the child's home language.

- Will the personal details about each individual in an existing database be subject to new or changed handling?

Yes. Now more of the information on children and staff held by the local authority will be shared with the Scottish Government at individual level. In addition, further information will be held on the child within their record, such as additional support needs. A new unique identifier is also likely to be added to their record.

- Will there be new or significant changes to the handling of personal data about a large number of individuals?

Yes. Primarily data will now be received by the Scottish Government at an individual level with the use of a unique identifier compared to the current method of collecting aggregate data about children in funded ELC. (The local authority currently holds individual level data on children but this is not shared with the Scottish Government).

The process for handling data on staff will also change but individual level data is currently collected so this is not such a significant change.

- Will there be new or significantly changed consolidation, inter-linking, cross-referencing or matching of personal data from multiple sources?

Data collected by each of the local authorities will be combined by the Scottish Government, and we will identify children who receive funded ELC in more than one setting or in multiple local authorities by matching personal data and enrolment information. This will allow us to report on the number of children accessing funded ELC, rather than the number of registrations, and will allow analysis of cross boundary use of ELC and use of split placements. For data on staff, we will look at staff working across multiple settings or sectors. Some of this analysis is currently done already.

- Will the project involve the linkage of personal data with data in other collections, or any significant change to existing data links or holdings?

There is the potential that the data collected in the ELC census may be linked to data in other areas including health and social care in the future. Data may be made available to researchers or charities to meet their own research needs, subject to strict access controls and approval on an individual application basis by a Data Access Panel. This is a group of relevant colleagues and individuals within and outwith Scottish Government who make an informed decision prior to any sharing or linkage of data. Any resulting actions will be done under the strict control of Scottish Government, and will be consistent with our data policy and the [Guiding Principles for Data Linkage](#). At all times the rights of the individual (children or staff) under the data protection and other relevant legislation will be ensured.

5.6 Changes to data handling procedures

- Will there be new or changed data collection policies or practices that may be unclear or intrusive?

Data will be collected in line with current data protection legislation. A Privacy Notice will be publicly available laying out from whom and what data shall be collected, the purpose of collecting the data, who shall process the data, and individual rights of those from whom data is being collected.

- Will there be changes to data quality assurance or processes and standards that may be unclear or unsatisfactory?

No. Collecting data at individual level will enable us to do further quality assurance that is not possible with the aggregated data that we currently receive, which will improve the accuracy of the data to inform decisions.

- Will there be new or changed data security access or disclosure arrangements that may be unclear or extensive?

No. Data access will be restricted to those who have completed the relevant training and been approved for access within the analytical division. No information on fewer than five individuals will be published.

- Will there be new or changed data retention arrangements that may be unclear or extensive?

No. The census data will be held indefinitely for statistical purposes, as explained below. Data from the trials will be held for as long as is deemed necessary for the purpose of the trial.

- Will there be changes to the medium of disclosure for publicly available information in such a way that the data becomes more readily accessible than before?

No. No information on fewer than five individuals will be published.

5.7 Statutory exemptions/protection

- Will the data processing be exempt in any way from the Data Protection Act or other legislative privacy protections? This might apply in areas such as law enforcement or public security.

The data is except regarding the data retention policy. Data Protection Act Part IV Exemptions: 33 Research, history and statistics states:

‘(3) Personal data which are processed only for research purposes in compliance with the relevant conditions may, notwithstanding the fifth data protection principle, be kept indefinitely’.

The purpose of this data collection also meets [GDPR article 89](#), allowing for the retention of this data.

Given that the data received by the Scottish Government is gathered for statistical and research purposes in the public interest and any results published do not identify individuals, the rights of individuals for whom we hold data are restricted.

[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)). 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. This also means that we are not required to erase any personal data ([Article 17 part 3 \(d\)](#)) as we need to retain this data for this purpose.

Under [Data Protection Act 2018](#) Part 6, 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 individuals, the data is exempt from data access requests (GDPR [Article 15](#)), rectification ([Article 16](#)), right to restriction of processing ([Article 18\(1\)](#)), and right to object (Article 21).

- Does the project involve systematic disclosure of personal data to, or access by, third parties that are not subject to comparable privacy regulation?

No, but the data made publicly available will be aggregated to a suitable level to avoid disclosure.

5.8 Justification

- Does the project's justification include significant contributions to public security measures?

No.

- Is there to be public consultation?

This project is based on the findings of a consultation performed in 2015/16 to address the need for new and more detailed data in response to the expansion of Early Learning and Childcare services. The findings of this public consultation have been published and are available [here](#).

- Is the justification for the new data handling unclear or unpublished?

No. The findings of the data consultation and the recommendations following this which support an individual level collection have been published.

5.9 Other risks

- Are there any risks to privacy not covered by the above questions?

No.

6. The Data Protection Act and General Data Protection Regulation (GDPR) Principles

The ELC Data Transformation Project, and the associated trials and census are being performed by the Scottish Government (Education Analytical Services, Children & Families Analysis, Victoria Quay, Edinburgh, EH6 6QQ). The Data Protection Officer for this data is the Data Protection and Information Assets team (DPIAT), dpa@gov.scot. If you have any concerns around this data collection please contact DPIAT, or Mick Wilson (Mick.Wilson@gov.scot), Head of Education Analytical Services. Alternatively complaints may be raised with the Information Commissioners Office at casework@ico.org.uk.

The data will be processed in line with existing data protection legislation. As laid out in section 3, the Scottish Government is collecting this information on ELC funded hours to gain a better understanding of factors such as how hours are used, future resource planning and promoting equality through collecting data on ethnicity and additional support needs.

Principle	Compliant Yes/No	Description of how you have complied
6.1 DPA Principle 1 and GDPR Principle 1 – fair and lawful, and meeting the conditions for processing	Yes	<p>Schedule 2, para 5 (c) and Schedule 3, para 7(c) are fulfilled for this data collection as the data will be used to enable us to improve the outcomes for children and reduce inequalities by monitoring ELC uptake rates and analysing these by children’s characteristics. We intend to use this information to help identify specific groups (at an aggregated level) for targeted support and improve outcomes for children.</p> <p>For GDPR this relates to Article 6 (e) and Article 9 (g) as the data will allow us to analyse the outcomes related to funded ELC and the service that is being provided for public use.</p>
Principle	Compliant Yes/No	Description of how you have complied
6.2 DPA Principle 2 and GDPR Principle 2 – purpose limitation	Yes	Data will be collected between local authorities and the Scottish Government for the purpose of the census. Privacy notices will be issued by both Scottish Government and local authorities acting as data controllers making it clear what the data will be used for and what rights exist regarding the data that is collected on children receiving funded ELC. The data will be used for statistical and research purposes.
Principle	Compliant Yes/No	Description of how you have complied
6.3 DPA Principle 3 and GDPR Principle 3 – adequacy, relevance and data minimisation	Yes	The data to be collected in the ELC census has been carefully considered and kept to the minimum necessary to help improve the outcomes for children and reduce inequalities. Much of the data to be obtained by the Scottish Government is already collected and held by local authorities for internal purposes.
Principle	Compliant Yes/No	Description of how you have complied
6.4 DPA Principle 4 and GDPR Principle 4 – accurate, kept up to date, deletion	Yes	<p>The census data will be collected at one point in time each year and quality assured with the local authority to ensure the accuracy of the data.</p> <p>Changes will be made to the existing information management system hosted by SEEMiS to allow for these new data to be collected and amended by the local authority and ELC settings using the system. Not all settings or local authorities use SEEMiS but they will use a similar system to meet their needs.</p> <p>Clear guidance will be provided to local authorities to assist with consistent recording of data across the country.</p> <p>The data is exempt from right to erasure (Article 17) and</p>

		right to rectification (Article 16) given that it is needed for statistical and archiving purposes in the public interest,
Principle	Compliant Yes/No	Description of how you have complied
6.5 DPA Principle 5 and GDPR Principle 5 – kept for no longer than necessary, anonymization	Yes	<p>Regarding the retention of data, it may be kept indefinitely following appropriate safeguards, in line with current data protection legislation. Data from the trials will only be kept for as long as is deemed necessary, and will not be shared.</p> <p>The Data Protection Act Part IV Exemptions: 33 Research, history and statistics states: ‘(3) Personal data which are processed only for research purposes in compliance with the relevant conditions may, notwithstanding the fifth data protection principle, be kept indefinitely’.</p> <p>The purpose of this data collection also meets GDPR article 89, allowing for the retention of this data.</p> <p>The Scottish Government will regularly review the need for the data to determine if the information is still required and, if it is not required, it will be destroyed securely in line with the Scottish Government information handling protocols.</p>
Principle	Compliant Yes/No	Description of how you have complied
6.6 DPA Principle 6 and GDPR Articles 12-22 – data subject rights	Yes	<p>A privacy notice will be published for the ELC Data Transformation Project. The data collected will not be used for marketing purposes. Any inaccurate data identified at the time that the data is received by the Scottish Government will be corrected. Throughout the year the local authority will be able to update and maintain their records which are used for the census. The data is exempt from certain data subject rights given that it is collected for statistical and research purposes in the public interest and that no information is released that identifies the data subject. The exemptions that apply (as stated in Article 89 of GDPR and the Data Protection Act 2018) relate to: right of access (Article 15); right of rectification (Article 16); right to restriction of processing (Article 18(1)); and right to object (Article 21 (1)). The data is also exempt from right to erasure (Article 17) given that it is needed for archiving purposes in the public interest.</p>
Principle	Compliant Yes/No	Description of how you have complied
6.7 DPA Principle 7 and GDPR Principle 6 - security	Yes	<p>Data will be held by SEEMiS and ScotXed on secure servers with access only granted to staff deemed to have the training and legitimate need to access such data. Data will be securely transferred from ELC settings to local authorities and on to the Scottish Government.</p>
Principle	Compliant Yes/No	Description of how you have complied
6.8 DPA Principle 8 and GDPR Article 24 - Personal data shall not be transferred to a country or territory outside the European Economic Area.	Yes	<p>The data collected in this project will be held within Scotland and not subject to being shared outside the EEA.</p>

7. Risks identified and appropriate solutions or mitigation actions proposed

Is the risk eliminated, reduced or accepted?

Risk	Ref	Solution or mitigation	Result (Eliminate/reduce/accept)
There is a risk of data disclosure when data is shared with others for statistical/research purposes	1	Any request to share data will be considered either by the relevant Education Analytical Services (EAS) statistician and the Divisional Data Access Officer or by a Data Access Panel, dependent on the sensitivity of the data requested. Access is only agreed where it is clear that EAS Division has the legal right to share data, where the use of the information is considered consistent with the original purposes for collecting the data, where no individuals will be publicly identified as a result of the analysis, and where appropriate safeguards and checks are in place to ensure the security of the data throughout its exchange and use.	The process to approve requests for data sharing and checks in place to ensure data security on transfer will reduce the risk.
Risk that there may be a data breach when data is transferred from local authorities to the Scottish Government resulting in the release of personal data	2	Mitigating against the risk of a breach by using a secure system for the transfer of data from partners to the Scottish Government, and from Scottish Government to partners. Staff will be provided with relevant data protection training to properly handle data and reduce the risk of a data breach.	Use of the secure data transfer tool will reduce the risk of data breach on transfer
Risk that local authorities may not update their privacy notice and application form to accurately reflect what data is being shared with the Scottish Government	3	The Scottish Government will communicate clearly with local authorities and ELC settings any changes needed and remain in contact throughout the project and after the new census is established to promote a clear shared understanding of what is required of data controllers.	Communicating changes with local authorities and settings to reduce the risk of individuals not being aware of how their information will be processed.

8. Incorporating Privacy Risks into planning

Explain how the risks and solutions or mitigation actions will be incorporated into the project/business plan, and how they will be monitored. There must be a named official responsible for addressing and monitoring each risk.

Risk	Ref	How risk will be incorporated into planning	Owner
There is a risk of data disclosure when data is shared with others for statistical/research purposes	1	Mitigating actions at section 5 are incorporated into routine business and project plans.	Keira Gore
Risk that there may be a data breach when data is transferred from local authorities to the Scottish Government resulting in the release of personal data	2	Transferring data securely is an established part of routine business for the stakeholders involved, and security will be considered at all stages of data processing. Secure data processing is integral to the core business of ScotXed, Education Analytical Services and local authorities, and also SEEMiS where they are involved in the data processing.	Albert King
Risk that local authorities may not update their privacy notice and application form to accurately reflect what data is being shared with the Scottish Government.	3	Communicating with local authorities and settings on the progress of the project and what is required of them will happen on a regular basis. However each setting and local authority is responsible for making individuals aware of what happens to the data they provide to meet data protection legislation.	Keira Gore

9. Authorisation and publication

The DPIA report should be signed by your Information Asset Owner (IAO). The IAO will be the Deputy Director or Head of Division.

Before signing the DPIA report, an IAO should ensure that she/he is satisfied that the impact assessment is robust, has addressed all the relevant issues and that appropriate actions have been taken.

By signing the DPIA report, the IAO is confirming that the impact of applying the policy has been sufficiently assessed against the individuals' right to privacy.

The results of the impact assessment must be published in the eRDM with the phrase "Data Protection Impact Assessment (DPIA) report" and the name of the project or initiative in the title.

Details of any relevant information asset must be added to the Information Asset Register, with a note that a DPIA has been conducted.

I confirm that the impact of the ELC Data Transformation Project leading to an individual level ELC census has been sufficiently assessed against the needs of the privacy duty:

Name and job title of a Deputy Director or equivalent	Date each version authorised
Mick Wilson Head of Education Analytical Services	May 2018