

## Research Project Privacy Notice

*Analysis of EEF trials and their effects on attendance, exclusion from school, contact with the children's social care system and dropping out of school*

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### Introduction

This project will involve an analysis of administrative datasets to analyse which young people are excluded from school, have contact with the social care system, fail to attend school regularly, drop out of school, receive police cautions, are convicted of crimes, enter higher education or become NEET (not in Education, Employment or Training). This privacy notice sets out how we collect and use your personal data if your data is part of the administrative datasets we are analysing.

The research is being conducted by the Behavioural Insights Team, and the data will only be accessed by the Behavioural Insights Team. It is part of research funded by Administrative Data Research UK ("ADR UK").

### Contact details

Behavioural Insights Ltd (the legal name of Behavioural Insights Team (**BIT**)) is the controller and is responsible for your personal data collected in connection with this project. This notice applies to the personal data we collect directly from you and personal data which is provided to us by third parties. Where we collect personal data from you directly, please make sure that any personal details you provide are accurate and up to date, and let us know about any changes as soon as possible.

We have appointed a Data Protection Officer (DPO) who is responsible for overseeing questions in relation to this privacy notice. If you have any questions about this privacy notice, including any requests to exercise your legal rights in relation to your personal data, please contact the DPO:

**Post:** Behavioural Insights Ltd, 4 Matthew Parker Street, London, SW1H 9NP

**Email:** [dpo@bi.team](mailto:dpo@bi.team).

You also have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues ([www.ico.org.uk](http://www.ico.org.uk)). We would, however, appreciate the chance to deal with your concerns before you approach the ICO so please contact us in the first instance.

### What personal data will we collect?

We will not collect any personal data ourselves directly - we are using administrative data collected by schools, universities and local authorities for the Department for Education, justice data collected by the Police and held by the Ministry of Justice and employment data held by Her Majesty's Revenue and Customs, linked with trials data collected by evaluators as part of research funded by the Education Endowment Foundation. We are not collecting any information that would directly identify any individual (i.e. no names, unique identifiers or contact details).

The administrative datasets will include NPD (National Pupil Database) data on whether children are excluded, the Child in Need Census, the Child Looked After census, the Longitudinal Educational Outcomes dataset (including higher education data provided by HESA, the Higher Education Standards Authority), the Police National Computer and the Education Endowment Foundation's Archive of trial data.

### **What do we do with information we collect?**

We wish to use NPD, LEO and PNC data, absence & CIN census data since 2012 linked to data collected by the Education Endowment Foundation from the randomised controlled trials of educational programmes.

With this data we will see whether different educational approaches or changes impact outcomes beyond test scores, such as exclusions, school attendance, contact with the social care system, dropping out of school, criminal convictions and cautions, higher education enrolment and NEET status. We will do this by seeing if the outcomes for children who received "interventions" in the randomised controlled trials (such as different ways of teaching) performed differently in a statistically meaningful way from those who did not (sometimes called the "control group" of the trials). This will also help us to validate the usage of outcomes collected separately from the original trial evaluations for follow-up analysis, which allows for a fuller understanding of the interventions and means costly follow-up studies where the interventions themselves are re-trialled with new outcome measures are not needed.

The public benefit of this project will be to allow schools to decide whether to make decisions like whether to adopt ways of teaching social and emotional skills on outcomes beyond exam scores, and therefore to benefit current and future children by avoiding exclusions, promoting their school attendance, avoiding contact with the care system, avoiding dropping out of school, reducing cautions and convictions, increasing higher education enrolment and reducing the number of children who go on to become NEET.

### **What is our lawful basis for processing your personal data?**

Data protection laws require us to meet certain conditions before we are allowed to use your data in the manner described in this notice, including having a lawful basis for the processing.

#### **For all information collected:**

BIT is relying on the lawful basis of:

**LEGITIMATE INTERESTS:** Our lawful basis for processing your personal data is legitimate interests (as per Article 6 (1) (f) of the GDPR) and we have considered that your interests and fundamental rights do not override those legitimate interests).

This requires a three part test:

Purpose test: are you pursuing a legitimate interest?

We are a social purpose company whose aims are to improve the use of evidence in public policy and to create social impact. We consider the processing of the data requested to be in our legitimate interests because it will enable us to produce public-purpose research in this area, which will benefit schools or those tasked with making a personal education plan or running a virtual school.

Necessity test: is the processing necessary for that purpose?

The processing is necessary for the purpose because the original trials do not contain information on any of the outcomes we want to analyse, so we cannot answer research questions on the basis of already published reports. Also the existing evidence base on this area is very thin, so we could not rely on systematic reviews. We have mitigated against potential ethical risks by not using identifiable data as much as possible, though we still need individual-level data with variables on important moderators of the outcome variables.

If this processing cannot occur, it means that decisions from these trials can only be made on the basis of a narrow set of outcomes, which is against the spirit of a holistic cost-benefit analysis.

Balancing test: do the individual's interests override the legitimate interest

The individuals in the trial were alerted that their data would be used for statistical analysis, and we will publish privacy notices including an opt-out to give general notice of this processing. While the data is quite sensitive and on a population which includes vulnerable children, we do not have and will not be requesting any data that would directly identify any individual (such as identifiable IDs, names or contact details) and the data will never be stored outside the ONS's systems. We believe this processing falls within generally socially acceptable uses of this kind of data - it is scientific research in the public interest and that may help vulnerable groups.

We therefore believe that the individuals' interests do not override our legitimate interest in this processing.

We have taken steps to apply the principles of data minimisation and pseudonymisation by limiting the data categories to those which have been identified as necessary to conduct an effective research study, and by processing data without direct identifiers such as names or contact details. In relation to the safeguards required under Section 19 of the Data Protection Act 2018, BIT considers that the processing is not likely to cause substantial damage or distress to a data subject, and is not carried out for the purposes of measures or decisions with respect to a particular data subject.

**For the purposes of processing special category data -- notably Special Educational Needs, Gender and Ethnicity:**

*(this section also serves as our justification for processing criminal records data, which is not a "special category" but follows similar rules)*

RESEARCH CONDITION: BIT is relying on Article 9(j) of the GDPR: “processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) based on Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.”

We are relying on the research condition, in particular that the data is needed to conduct scientific research (which includes human sciences, such as education).

Special educational needs (SEND) status, gender and ethnicity are all important influences on both attendance and exclusion. While the evaluations conducted by the EEF were randomised trials, they may not have ensured that both treatment and control had equal numbers of pupils across both categories. Therefore, failing to have this data will mean that the overall effects of the educational programmes in the research will be mismeasured and any conclusions derived from the research will be incorrect.

Further, it is important to ensure that the effects of programmes are similar across vulnerable groups, which this data will allow us to measure.

This research project can be considered scientific research as:

- It is for the measurement of clear hypotheses on the basis of the scientific method,
- It is characterised by openness and transparency - we will publish all the results and methods and ensure we pre-specify our analysis,
- It is conducted according to the standard practices of the economics of education.

We are meeting 89(1) by only requesting the minimum data needed to accurately test the hypotheses we are interested in, by only requesting variables that are either: outcomes for the project, metadata about the interventions or individual-level characteristics that are known to be significant moderators of the outcome.

This is needed as lacking any of this data would mean we could not conduct the research to a rigorous standard. This information cannot be gathered from existing reports as these outcomes were not used when the trials were initially analysed.

Data protection will be maintained by ensuring that we comply with the standards of the ONS SRS (which is a secure system maintained by the Office for the National Statistics for accessing data). As part of that, all researchers will be accredited researchers & the data will be stored securely on ONS servers only. Data cannot be taken out of the SRS, and outputs are checked by ONS to prevent disclosure of the data of individuals.

**Who has access to your information?**

Your information will be accessed by BIT's project team working on this project, which will only be individuals authorized by ONS and the Department for Education to do so.

### **International Transfers**

Your personal information will not be transferred outside of the UK.

### **Security**

We take reasonable steps to protect your personal information and follow procedures designed to minimise unauthorised access, alteration, loss or disclosure of your information.

The data for this project will be held by the Office for National Statistics ("ONS" in a secure system known as the Secure Research Service ("SRS").

We ensure that those who have permanent or regular access to personal data, or that are involved in the processing of personal data, are trained and informed of their rights and responsibilities when processing personal data. All researchers accessing the SRS must be accredited by the ONS.

We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

### **Data Retention**

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. When it is no longer necessary to retain your personal data, it will be securely deleted by the ONS.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

Taking the above factors into consideration, our anticipated date of deletion for your personal data is December 2020.

### **Your legal rights**

Under certain circumstances, you have rights under data protection laws in relation to your personal data, including rights to:

- Request access to your personal data: this enables you to receive a copy of the personal data we hold about you and to check we are lawfully processing it.
- Request correction of your personal data: this enables you to have any incomplete or inaccurate data we hold about you corrected.

- Request erasure of your personal data: this enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it.
- Object to processing of your personal data: for example, you can object where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms.
- Request restriction of processing your personal data: This enables you to ask us to suspend the processing of your personal data.
- Data portability: Where the processing takes place on the basis of your consent or contract, and is carried out by automated means, you have the right to request that we provide your personal data to you in a machine-readable format, or transmit it to a third party data controller, where technically feasible.
- Right to withdraw consent to the processing of your personal data: This applies where we have relied on consent to process personal data. Please note that withdrawal of consent will not affect the lawfulness of any processing carried out before withdrawing your consent.
- Right not to be subject to decisions based purely on automated processing where it produces a legal or similarly significant effect on you. Please note that BIT does not engage in automated decision making without manual intervention in its research projects.

If you wish to exercise any of the rights set out above, please contact the Data Protection Officer with your specific request by email to: [dpo@bi.team](mailto:dpo@bi.team)

It is important to understand that the extent to which these rights apply to research will vary and that in some circumstances your rights may be restricted.

Ordinarily, you will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

In this circumstance, because the information required to identify individuals is only held by the corresponding government department(s) (Department for Education; Ministry of Justice; Her Majesty's Revenue and Customs), we will need to pass on subject access requests and identifiable information provided by you to the relevant department(s) to allow you to action the above rights.

We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

### **Changes to this Notice**

We may change this Privacy Notice from time to time. If we make any significant changes in the way we treat your personal information we will make this clear by updating this notice.