Privacy notice for the 2018 key stage 2 (KS2) science sampling tests

1 Why are we collecting this data?

The Standards and Testing Agency (STA), which is an executive agency of the Department for Education (DfE), has engaged the National Foundation for Educational Research (NFER) to carry out the administration of the 2018 KS2 science sampling tests.

STA uses pupil responses to the biennial sampling tests to report on national performance in science at the end of the KS2 programme of study. DfE will publish the results of the tests as national data only, and no individual school or pupil will be identified in the data.

STA is the data controller for the science sampling exercise. This means that the STA is responsible for determining how personal data is used, collected and handled during and following the exercise.

NFER, as data processor for the science sampling tests, is responsible for securely storing and handling any personal data required to administer the tests.

2 What is the legal basis for processing activities?

The legal basis for processing the personal data used and collected during the science sampling exercise is covered by the following General Data Protection Regulation (GDPR) article:

- GDPR Article 6 (1) (e) which states that the processing is necessary for the exercise of a function of a government department, specifically, the requirement of the DfE to estimate national performance in science at the end of KS2. This provision covers personal data.

The legal basis for processing special data (relating to the special education and disability (SEND) status of pupils) during the science sampling exercise is covered by:

- GDPR Article 9 (2) (g) which states that processing is necessary for reasons of substantial public interest, specifically, the requirement of the DfE to provide modified versions of test materials and access arrangements, to ensure that the tests are accessible to as many pupils as possible.
3 What personal data is being collected and held during the science sampling exercise?

NFER will collect and hold the following data:

- School names and pupils’ names and dates of birth, which are used to cross check against pupil IDs and test data.
- Item responses for the pupils selected to take part in the sampling tests, in order to feed into analysis for reporting on national performance.
- Data relating to the SEND status of pupils, including details of any access arrangements pupils may need in order for them to take part in the tests. For example, the use of braille or modified versions of the tests, the need for additional time, or the use of a reader and/or a scribe.
- NFER will also collect the names of selected pupils who are unable to take the tests. This could be because a pupil is working below the overall standard of the tests, is unable to access the tests (even with the use of access arrangements), or is absent on test day.

4 How will personal data be obtained?

STA provides NFER with the selected pupils’ names, gender and date of birth and school name. The sample is selected from information provided by schools during registration of their pupils for participation in the KS2 national curriculum tests in English reading; English grammar, punctuation and spelling; and mathematics.

NFER will collect information about any access arrangement a pupil requires directly from the school through the NFER school portal. Only data that is needed to administer the tests will be collected by NFER.

The science sampling tests are completed by the selected pupils and their completed test papers returned to NFER for marking. Completed test questions are distributed anonymously to markers, so that no marker has access to pupil data. When marking is complete, item responses for each pupil are collated by NFER and submitted to STA for further analysis.

5 Who will personal data be shared with?

NFER will share the pupil data received from STA with Secure and Confidential Documents Ltd who will be responsible for printing test booklets and attendance registers for the selected schools, which include the names of the selected pupils and their dates of birth.

After the testing process, NFER will return school and pupil data to STA along with the additional data collected by NFER.
6  **Is personal data being transferred outside of the European Economic Area (EEA)?**

No information gathered during the science sampling exercise will be transferred or stored outside of the EEA.

7  **How long will personal data be retained?**

NFER (the data processor) will securely dispose of the data at the end of the contract in November 2018, in accordance with its agreement with STA, in line with the requirements of UK data protection legislation and the GDPR.

NFER handles personal data in accordance with the rights given to individuals under UK data protection legislation. Once approval has been received from STA to delete or destroy data, all computer files containing data relating to the science sampling contract will be permanently deleted from the NFER system, and all paper copies of all science test materials returned to NFER will be shredded securely on site at NFER.

All NFER sub-contractors are contractually, and legally, required to permanently delete personal data held electronically and to destroy by secure shredding any printed test materials once the testing process is complete. Evidence of this must be provided to NFER by all sub-contractors.

STA (the data controller) will keep the data for as long as it is required. Data from previous sample tests is used in each biennial sample to maintain the link to standards in science over time. STA will keep the data for no longer than necessary, in accordance with the law, and will systematically review and manage retention.

8  **Who can I contact about the use of personal data in the 2018 science sampling exercise?**

If you have any questions about how your personal information will be used, please contact the Data Protection Officer (DPO) using the contact form at GOV.UK.

STA, as an executive agency of the DfE, determines the purposes and means of processing personal data as part of this project. You can find more information in the DfE’s ‘Personal information charter’.

You have the right to lodge a complaint about data protection issues with the Information Commissioner's Office. For more information visit: https://ico.org.uk/concerns/.
9  What are my data protection rights?

Under certain circumstances, by law you have the right:

- to ask us for access to information about you that we hold
- to have your personal data rectified, if it is inaccurate or incomplete
- to request the deletion or removal of personal data where there is no compelling reason for its continued processing
- to restrict our processing of your personal data (for example, permitting its storage but no further processing)
- to object to direct marketing (including profiling) and processing for the purposes of scientific/historical research and statistics
- not to be subject to decisions based purely on automated processing where it produces a legal or similarly significant effect on you


10  When was this document last updated?

We may need to update this privacy notice periodically so we recommend that you revisit this information from time to time. This version was last updated on 17 September 2018.