



Data sharing between local authorities and Youth Contract providers

1. This document sets out the legislation local authorities should take into account when considering local information sharing arrangements for the Youth Contract for 16 and 17 year-olds.
2. The two relevant legislative provisions for data sharing are sections 68 and 77 of the Education and Skills Act 2008. These are set out in Annex 1. Section 77 allows a local authority to supply information about young people to an organisation that is providing services under section 68.
3. The Department considers that by putting in place a written agreement on how they will work with the Youth Contract provider, local authorities will be entering into arrangements with those providers for the provision of section 68 services. This allows the local authority to provide details of eligible young people to the Youth Contract provider in their area. It would also allow the local authority to confirm the status of young people who have been identified independently by the Youth Contract provider as potentially suitable for the Youth Contract.
4. In keeping with normal practice, both Youth Contract providers and local authorities will want to ensure that the use of young peoples' data is consistent with their Data Controller¹ registrations and privacy notices² prior to sharing data.
5. In addition local authorities and providers must comply with the Data Protection Act, applying the normal data protection principles that relate to processing personal data. Explicit consent to share is not essential provided that "the processing is necessary for compliance with any legal obligation" (i.e. the section 68 duty). Again both parties should satisfy themselves that they are compliant. The Information Commissioner's Office data sharing code of practice³ should help in this regard. Local authorities may also want to consider updating their consent forms with details of relevant organisations involved in delivering the Youth Contract.

¹ Data Controller – a person who (either alone or jointly or in common with other persons) determines the purposes for which and the manner in which any personal data are to be processed.

² Privacy Notice – all data controllers must have a Privacy Notice which is available to data subjects and is intended to ensure that data subjects are aware of how data is collected and used by the Data Controller and significantly who data is shared with.

³ [ICO data sharing code of practice.](#)

Annex 1: Legislative provision governing data sharing by a local authority

1. Section 68 of the Education and Skills Act 2008 (Support Services: Provision by local education authorities), states that:
 - (1) A local education authority in England must make available to young persons and relevant young adults for whom it is responsible such services as it considers appropriate to encourage, enable or assist the effective participation of those persons in education or training.
 - (2) Subsection (1) is subject to any direction given by the Secretary of State under section 69.
 - (3) For the purposes of this section and section 69, a local education authority makes services available if it:
 - (a) provides them, or
 - (b) makes arrangements with another local education authority or another person for their provision.

2. Section 77 of the Education and Skills Act 2008 (Supply of information by public bodies), states that:
 - (1) Any of the persons or bodies mentioned in subsection (2) may supply information about a young person or relevant young adult to any person or body involved in the provision of services in pursuance of section 68 or 70(1)(b) for the purpose of the provision of those services.
 - (2) Those persons and bodies are:
 - (a) a local authority,
 - (b) the Secretary of State (includes the Education Funding Agency),
 - (c) a Primary Care Trust,
 - (d) a Strategic Health Authority,
 - (e) a chief officer of police,
 - (f) a provider of probation services,
 - (g) a local probation board, and
 - (h) a youth offending team.