

Application form for researchers seeking  
secure access to data

# Introduction

This form covers applications for data held by MoJ, the MoJ–DfE data share, data held by HMCTS, and HMPPS data shared under Data First.[[1]](#footnote-1) It is to be used where a researcher wishes to access this data to undertake a research project within the ONS Secure Research Service, within their own secure setting through a Data Sharing Agreement, or to collect it directly from HMCTS personnel.

Your application will be evaluated against the following general criteria:

1. Data owner’s areas of research interest
2. The overall benefit to the data owner and wider public
3. Resources required to fulfil the request
4. Ethical considerations
5. Data protection and security

Should your request be rejected, you may amend and resubmit your application. We will support you during this stage and help you to address the grounds upon which your application was rejected.

Please complete all relevant fields in the application form and provide all required documentation. This is a modular form and the data you are requesting and how you would like to access it will dictate what sections of the application you are required to fill in. Please see the ‘Available data and their modes of access’ document to see what sections you are required to fill in. There is also supplementary guidance that gives you details on how to answer each question.

Incomplete applications and missing documentation will delay the approval process. If a question in a relevant section is not applicable please submit ‘N/A’ in that section, please don’t leave any of these questions blank. Please complete your application electronically and submit it to the relevant email dependent on the data you are requesting:

* MoJ data: [datalinkingteam@justice.gov.uk](mailto:datalinkingteam@justice.gov.uk)
* HMPPS Data First data: datalinkingteam@justice.gov.uk
* HMCTS data: [dataaccesspanel@justice.gov.uk](mailto:dataaccesspanel@justice.gov.uk)
* MoJ–DfE Share:
* DfE extract: [data.sharing@education.gov.uk](mailto:data.sharing@education.gov.uk)
* MoJ extract: [datalinkingteam@justice.gov.uk](mailto:datalinkingteam@justice.gov.uk)

# Section 1: Data access requirements (*this section applies to all)*

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| --- | --- |
| What data do you require access to?  (see ‘Available data and their modes of access’ document if you are unsure what your request falls under) | MoJ held data  HMCTS held data  HMPPS Data First data[[2]](#footnote-2)  MoJ DfE share |
| How do you want to access the data?  (see ‘Available data and their modes of access’ document if you are unsure of your options for accessing data) | ONS Secure Research Service  Own secure setting  Direct Collection |

# Section 2: Applicants’ details (*this section applies to all)*

## 2.1 Basic Details

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| Name of requesting organisation. (This must be the name of the person or organisation who is requesting access):  Please state the name of the requesting organisation and the type of organisation (e.g. academic organisation, independent think tank, public authority under FOIA, commercial organisation etc). | Click or tap here to enter text. |
| Primary Contact name, position, telephone number, email address (cannot be a private email address):  This applicant should be the individual who is the day-to-day lead for the project. | Click or tap here to enter text. |
| Secondary Contact name, position, telephone number, email address (cannot be a private email address):  This contact should be the individual who has overall responsibility for the project (e.g. the supervising tutor, principal researcher, director of research etc). | Click or tap here to enter text. |
| Data Protection Officer name, address, telephone number, email address. | Click or tap here to enter text. |
| ICO registration number or a valid exemption. | Click or tap here to enter text. |
| Date project application submitted. | Click or tap here to enter text. |

## 2.2 Relationship with Other Organisations

Please detail any funding, sponsoring or commissioning relationships with other organisations that are relevant to this research (other than the individuals named as researchers accessing the data and the requesting organisation, e.g. the organisation that will be in receipt of and will process the extract).

For all organisations that have a relationship with the request, you must fill in:

* Name of the Organisation
* Nature of the relationship with the data request and research (e.g. funding, sponsoring, commissioning)
* The organisation’s data protection role with regards to the role (e.g. Data Controller, Joint Data Controller, Data Processor) for the project
* Primary contact details (including phone numbers).

| Name of institute or organisation\* | Nature of the relationship (e.g. funding, sponsoring, commissioning) | Data Protection Role | Primary contact details |
| --- | --- | --- | --- |
| Click or tap here to enter text. | Click or tap here to enter text. |  | Click or tap here to enter text. |
| Click or tap here to enter text. | Click or tap here to enter text. |  | Click or tap here to enter text. |

\*add extra rows as necessary

## 2.3 Key Skills

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| **Have your team undergone data protection training or similar? Please give further details** |
| Click or tap here to enter text. |

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| **What are your project team’s analytical skills?** |
| Click or tap here to enter text. |

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| **Please provide a summary of your experience with the types of data you have requested.** |
| Click or tap here to enter text. |

# Section 3: Project details *(this section applies to all)*

The purpose of this section is to gather evidence to ensure the project itself is on a sound legal footing and that the ethical and public benefit arguments are strong.

## 3.1 Brief Purpose

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| Please provide no more than a 150 word overview of the project. This will be published on gov.uk for the purposes of transparency if you are requesting data as part of the Data First project. As such, you must follow the suggested format below. Please do not forget to add a statement on the public benefit. Please use plain English language that would be easy to understand by an interested citizen. Avoid heavy research or topic-specific jargon. Lastly, please use the third person (i.e. do not use “I” or “We”).  Example: [insert your organisation name] wishes to use [describe dataset in a high-level way, e.g. PNC data]. With this data they will [insert a 3–4 sentence description of the research]. The public benefit of this work will be [insert here…how do current or future members of the public, particularly subjects of the dataset, benefit from this?]. |
| Click or tap here to enter text. |

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| There may be exceptions where we do not publish an overview of the project – for example, to protect the privacy of researchers working on particularly sensitive topics. If you believe you should be exempt, please detail why this is the case. |
| Click or tap here to enter text. |

### 3.1.1 Fuller Description & Outputs

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| Please provide a fuller description of your project, including a title, research questions being addressed, intended methods and outputs, so that data owners can gain a fuller understanding of the work you wish to undertake. Please also focus on why/how your work is likely to lead to meaningful results that will have public benefit and meet the priorities of those responsible for the data. Please also ensure this reflects how you meet the specific assessment criteria for the data you are requesting (see user guidance for assessment criteria). Please use the guidance notes to help you complete this section. |
| Click or tap here to enter text. |

|  |  |
| --- | --- |
| Please specify which outputs you intend this project to deliver and provide further detail in the text box below. Please tick all that apply | |
| Internal work (publication not intended at this stage) |  |
| Freely available research findings / reports |  |
| Chargeable research findings / reports |  |
| Research findings / reports for use by the media |  |
| Free software products / webtools for data analysis  (open access / restricted access) |  |
| Chargeable software products / webtools for data analysis  (open access / restricted access) |  |
| Research commissioned by public sector bodies including government departments |  |
| Research commissioned by third sector organisations |  |
| Not applicable |  |

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| Please provide further details of all intended outputs in the box below |
| Click or tap here to enter text. |

|  |
| --- |
| Other – please state |
| Click or tap here to enter text. |

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| If you are not intending to publish your outputs please explain why. |
| Click or tap here to enter text. |

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| Please confirm you will provide any written or record outputs that will be made available publicly (e.g. books, articles, etc.), at least two weeks prior to release | Yes  No |

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| What will the impact of not acquiring the data you are requesting be upon your research project? |
| Click or tap here to enter text. |

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| Could the data you are requesting be sought from another source? If so, please explain why you have chosen this process for accessing the data. |
| Click or tap here to enter text. |

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| What are the main limitations of your proposed project? |
| Click or tap here to enter text. |

### 3.1.2 Project timescales

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| Please provide the timeframes for your research project. Please include in your response the start date alongside any milestones that are critical and explain why.  Please note, we aim to progress your request through governance within three months of all information being provided and validated. |
| Click or tap here to enter text. |

## 3.2 Ethics

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| If your project has been considered by any research ethics panel (e.g. university ethics board) please provide an overview here. Please also provide evidence of any future ethical approval plans. |
| Click or tap here to enter text. |

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| Please provide a summary of the main ethical considerations and mitigations. |
| Click or tap here to enter text. |

## 3.3 Risk register and mitigation

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| What are the key risks and how do you intend to plan for them? |
| Click or tap here to enter text. |

# Section 4: GDPR *(this section applies to all)*

## 4.1 GDPR Conditions for Processing Data

We rely on the Public Task condition for processing personal level data

Please tick one applicable condition for processing that your organisation is intending to use to process the data extract. The [ICO webtool](https://ico.org.uk/for-organisations/resources-and-support/lawful-basis-interactive-guidance-tool/) might help you determine which condition is right for your project.

**Conditions for processing data**

|  |  |
| --- | --- |
| Consent – the individual has given clear consent for the organisation to process their individual data for a specific purpose |  |
| *If relying on consent, please also tick the box here to confirm you understand the changes in DPA2018 and GDPR, and provide adequate evidence (e.g. a copy of the consent form and privacy notices that have been used for the project).* |  |
| **Contract** – the processing is necessary for a contract the organisation has with the individual, or because the individual has asked the organisation to take specific steps before entering into a contract |  |
| **Legal obligation** – the processing is necessary for the organisation to comply with the law (not including contractual obligations) |  |
| **Vital interests** – the processing is necessary to protect someone’s life |  |
| **Public task** – the processing is necessary for the organisation to perform a task in the public interest or for the organisation’s official functions, and the task or function has a clear basis in law. |  |
| **Legitimate interests** – the processing is necessary for the organisation’s legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual’s individual data that overrides those legitimate interests. |  |

### 4.1.1 Justification

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| Provide justification on how your research meets the chosen condition for processing personal level data above.  (If you have selected public task, please provide details on the specific legislation that allows for this legal basis. If you have selected legitimate interests, please provide details on what the legitimate interest is, how the project described in the brief purpose meets the legitimate interest and how the project balances the legitimate interest against the data protection rights of individuals.) |
| Click or tap here to enter text. |

## 4.2 GDPR Conditions for Processing Special Categories of Data

If you or your organisation intends to process [special categories of data](https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/special-category-data/) you need to identify both a lawful basis for general processing (above) and one additional condition (below) and state how you meet this condition with reference to DPA 2018 Schedule 1.

We rely on the following conditions for processing special categories of data:

* Substantial public interest based in law (Article 9(2)(g)) – processing is necessary for reasons of substantial public interest, on the basis of 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.
* Necessary for archiving, scientific, historical research or statistical purposes (Article 9(2)(j)) – processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes based on 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.

Please indicate which additional condition you will be using for processing special categories of data for your project.

**Conditions for processing special categories of data**

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| Not applicable: I am not requesting any special category data. |  |
| **Explicit consent (Article 9(2)(a))** – the data subject has given explicit consent to the processing of those individual data for one or more specified purposes. |  |
| *If you are relying on consent, please confirm you understand the changes in DPA2018 and GDPR, and provide adequate evidence (e.g. a copy of the consent form and privacy notices that have been used for the project).* |  |
| **Necessary for obligations under employment, social security, social protection law (Article 9(2)(b))** – processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law |  |
| **Vital interests (Article 9(2)(c))** – processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent |  |
| **Processing by a not for profit body with political/philosophical/religious/ trade union aim (Article 9(2)(d))** – processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the individual data are not disclosed outside that body without the consent of the data subjects |  |
| **Data made public by data subject (Article 9(2)(e))** – processing relates to individual data which are manifestly made public by the data subject |  |
| **Necessary for judicial reasons (Article 9(2)(f))** – processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity |  |
| **Substantial Public interest based in law (Article 9(2)(g))** – processing is necessary for reasons of substantial public interest, on the basis of 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 |  |
| **Processing for healthcare reasons (Article 9(2)(h))** – processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law or pursuant to contract with a health professional |  |
| **Processing necessary for public health reasons (Article 9(2)(i))** – processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices, on the basis of Union or Member State law which provides for suitable and specific measures to safeguard the rights and freedoms of the data subject, in particular professional secrecy |  |
| **Necessary for archiving, scientific, historical research or statistical purposes (Article 9(2)(j))** – processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes based on 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 |  |

### 4.2.1 [Schedule 1, Part 1 conditions](http://www.legislation.gov.uk/ukpga/2018/12/schedule/1/enacted)

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| --- |
| As required by [section 10 of the DPA](http://www.legislation.gov.uk/ukpga/2018/12/section/10/enacted), the processing meets the requirement in [point (b), (h), (i) or (j) of Article 9(2) of the GDPR](https://gdpr-info.eu/art-9-gdpr/) for authorisation by, or a basis in, the law of the United Kingdom or a part of the United Kingdom only if it meets a condition in Part 1 of Schedule 1.  If your project is relying on (b), (h), (i) or (j) of Article 9(2) of the GDPR, please state which condition in DPA 2018 Schedule 1, Part 1 your project meets. |
| Click or tap here to enter text. |

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| If your project is relying on (j) of Article 9(2) of the GDPR and DPA 2018 Schedule 1, Part 1 (4) “Research”, please state whether it’s for archiving purposes, scientific or historical research purposes or statistical purposes and provide evidence on how your processing meets this condition (in particular how your processing meets Article 89(1) of the GDPR) and why you believe this is in the public interest. |
| Click or tap here to enter text. |

### 4.2.2 [Schedule 1, Part 2 & 4 conditions](http://www.legislation.gov.uk/ukpga/2018/12/schedule/1/enacted)

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| As required by section 10 of the DPA, the processing meets the requirement in point (g) of Article 9(2) of the GDPR for a basis in the law of the United Kingdom or a part of the United Kingdom only if it meets a condition in Schedule 1, Part 2.  If your project is relying on (g) of Article 9(2) of the GDPR, please state which condition in DPA 2018 Schedule 1, Part 2 your project meets. Please also state how your project complies with DPA 2018 Schedule 1, part 4. |
| Click or tap here to enter text. |

### 4.2.3 Further Justification

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| Further explanation for conditions for processing special categories of data (if not covered above). |
| Click or tap here to enter text. |

# Section 5: Safe Data *(this section applies to all)*

The purpose of this section is to evidence that the data you are requesting is entirely aligned to the research goals, that the sensitivity is understood, and that sensible steps to minimise the amount of individual level data accessed have been taken.

## 5.1 Data requirements\*

|  |  |
| --- | --- |
| **What dataset(s) and coverage period(s) do you require access to?** | Click or tap here to enter text. |
| **Is there a specific group of individuals that you are interested in?** | Click or tap here to enter text. |
| **Number of individuals likely to be requested** | Click or tap here to enter text. |

**What data items/fields do you require?**

|  |
| --- |
| Please provide us with an accompanying file such as an excel document that lists the variables you require and a justification for each variable |

## 5.2 Future Refresh of Data

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| If your project requires ongoing future data refreshes, please describe the datasets, data variables and frequency anticipated. Please note that a successful application does not guarantee access to future data refreshes as these would be subject to data owners’ data sharing policies.  Please state whether your project requires an extract once or whether it relies on updates of the extract (e.g. every year) to reach conclusion. If we are satisfied with your reasons for refreshes of data, we may not require you to re-apply each time however we reserve the right to ask you to do so. You will be expected to be proactive in contacting us 2–3 months before new datasets are released to request a refresh of data. |
| Click or tap here to enter text. |

## 5.3 Data retention

|  |
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| Please provide details of how long you wish to retain access to this data. Please provide justification for this length of time and if applicable describe the method of destruction at the end of the retention period. |
| Click or tap here to enter text. |

## 5.4 Safe Outputs

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| **What are your current policies on statistical disclosure control?**  **SDC should comply with the Government Statistical Service (GSS) Guidance on Anonymisation and Data Confidentiality (**[**https://gss.civilservice.gov.uk/policy-store/anonymisation-and-data-confidentiality/**](https://gss.civilservice.gov.uk/policy-store/anonymisation-and-data-confidentiality/)**). All outputs must also comply with the DPA and GDPR.**  **A minimum cell count of 10 shall apply unless permission is granted, this is on a case by case basis** |
| Click or tap here to enter text. |

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| **How do you plan to ensure no sensitive data is released?** |
| Click or tap here to enter text. |

# Section 6: Data Linking

The purpose of this section is to gather further details on applicants who plan to link the data they are seeking access to, to any other data *(if you are not planning on data linking, please move onto the next section).*

|  |
| --- |
| What data do you want to link? |
| Click or tap here to enter text. |

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| How do you propose to link the data? |
| Click or tap here to enter text. |

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| Why does your project require data linking? |
| Click or tap here to enter text. |

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| What is the impact of your project if you are not able to link data? |
| Click or tap here to enter text. |

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| On what grounds is the linking permissible? If you are linking to individuals, do you have explicit consent to link to these individuals? (*if so, please provide a copy of the consent used)* |
| Click or tap here to enter text. |

# Section 7: MoJ data

The purpose of this section is to gather further details on applicants applying specifically for data held by MoJ, such as Police National Computer data *(if you are not applying for data held by MoJ, please move onto the next section).*

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| Do you already hold any data from the Police National Computer? If the answer is yes, can you please provide the details, the retention period and a copy of the Data Sharing Agreement. |
| Click or tap here to enter text. |

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| Have you engaged separately with the National Research Committee about access to any data held by HMPPS? If so, can you please provide details. |
| Click or tap here to enter text. |

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| Do you have any contacts in MoJ with whom you have discussed the value or feasibility of this research? If so, can you please provide details. |
| Click or tap here to enter text. |

# Section 8: MoJ/DfE data

This application form must be submitted alongside the following documentation:

A. Signed declaration forms for each permitted user.

B. A copy of a ‘basic disclosure’ certificate that is no more than 2 years old for each permitted user

Access to the DfE extract of the share is provided by the ONS Secure Research Service (SRS). Access to the ONS SRS is provided through Safe Settings. These are either Physical ONS datalabs (currently in Newport, London, Titchfield, Belfast or Glasgow), or SRS remote connectivity sites if your organisation has successfully applied for full connectivity, partial connectivity or safe room connectivity.

Please be aware that if you do not have connectivity within your organisation, you will only be able to use ONS SRS Physical datalabs. Please contact [research.support@ons.gov.uk](mailto:research.support@ons.gov.uk) if your organisation wishes to apply for remote connectivity.

If you require access to the MoJ extract, please contact [DataLinkingTeam@Justice.gov.uk](mailto:DataLinkingTeam@Justice.gov.uk) to discuss the access mechanism.

## 8.1 Access to MoJ’s or DfE’s copy

|  |  |
| --- | --- |
| **Do you require access to MoJ or DfE’s copy?**  (See supplementary guidance if you are unsure on what copy you should apply for. DfE’s copy is expected to be used unless there is a requirement for other data only held by MoJ.) | MoJ copy  DfE copy |
| **Please detail why you have requested this copy** | Click or tap here to enter text. |

## 8.2 Individual Checks

In order to access the data, a researcher must have:

* Passed the ONS accreditation process
* hold a ‘basic disclosure’ certificate that is no more than 2 years old

Please insert contact details for each individual/researcher who requires access to the data for the project and make clear who is the Lead Contact. Please include with the application:

* a copy of a current basic disclosure certificate for each individual/researcher who requires access to the data for the project

If you do not have a copy of the basic disclosure certificate, or are unsure you have one, please let us know if you give consent to check the DBS database. Your application will be rejected if any paperwork is missing for any individual.

\* add extra rows as necessary

| Name (Lead Researcher and other researchers) | Contact email | Institution/ Organisation | ONS Accredited User (Y/N)  (if yes, please include accredited research number) | Current DBS Certificate (Y/N) | Permission to check DBS database (Y/N) |
| --- | --- | --- | --- | --- | --- |
| Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. |
| Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. | Click or tap here to enter text. |

If anyone on your project needs to undertake the [accreditation process](https://www.ons.gov.uk/aboutus/whatwedo/statistics/requestingstatistics/approvedresearcherscheme), they should contact [research.support@ons.gov.uk](mailto:research.support@ons.gov.uk) as soon as possible. Whilst a project can continue without all individuals/researchers approved, only those researchers with accreditation will be allowed access to the data.

## 8.3 Legal Gateway

Research using different DfE datasets rely upon different pieces of DfE legislation. If known, please tick the relevant DfE legislation that is applicable to the data request:

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| Request for individual pupil information for pupils in schools (including pupil referral units and alternative provision academies / free schools) | |
| Legislation within [section 537A of the Education Act 1996](http://www.legislation.gov.uk/ukpga/1996/56/section/537A) covers the sharing of pupil data from schools, as defined at section 537A(1) and section 537A(9) of the act. The law which governs the sharing of pupil data with named bodies and third parties is the [Education (Individual Pupil Information) (Prescribed persons) (England) Regulations 2009](http://www.legislation.gov.uk/uksi/2009/1563/made) |  |

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| Request for individual child Information relating to children in early years (most commonly data sourced from the early years census) | |
| Legislation within [section 99 of the Childcare Act 2006](http://www.legislation.gov.uk/ukpga/2006/21/section/99) covers the sharing of individual child information from early years providers, as defined at section 99(1) and section 99(9) of the act. The law which governs the sharing of child data with named bodies and third parties is the [Childcare (Provision of Information About Young Children) (England) Regulations 2009](http://www.legislation.gov.uk/uksi/2009/1554/contents/made). |  |

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| Request for individual pupil information relating to pupils in receipt of local authority commissioned (non-school based) alternative provision (most commonly data sourced from the alternative provision census) | |
| Legislation within [section 537B of the Education Act 1996](http://www.legislation.gov.uk/ukpga/1996/56/section/537B) covers the sharing of pupil data from the alternative provision census as defined at section 537B(1) and section 537B(9) of the act. The law which governs the sharing of alternative provision census pupil data with named bodies and third parties is the [Education (Information About Children in Alternative Provision) (England) Regulations 2007](http://www.legislation.gov.uk/uksi/2007/1065/made). |  |

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| Request for learner data (most commonly learner data from the Individualised Learner Record (ILR) or KS4 / KS5 data for learners in FE colleges)  Most appropriate legislation will depend on nature (or purpose) of the request and relationship between third party and the Department. Examples are provided below: | |
| Legislation within [section 122 of the Apprenticeships, Skills, Children and Learning Act 2009](https://www.legislation.gov.uk/ukpga/2009/22/section/122) covers the sharing of learner data to a person providing services to the SoS (i.e. DfE commissioned / contracted) to enable or facilitate the exercise of any function of the SoS relating to education or training |  |
| Legislation within [section 253A of the Apprenticeships, Skills, Children and Learning Act 2009](https://www.legislation.gov.uk/ukpga/2009/22/section/253A) covers the sharing of KS4, KS5 or a restricted subset of ILR data for learners in FE colleges with named bodies and third parties as prescribed in the [Education (Student Information) (England) Regulations 2015](http://www.legislation.gov.uk/uksi/2015/1567/contents/made) |  |
| Legislation within [section 87 of the Education and Skills Act 2008](https://www.legislation.gov.uk/ukpga/2008/25/section/87) covers the sharing of learner data to be used in connection with the exercise of an assessment function of the SoS defined as: (a) evaluating the effectiveness of training or education; (b) assessing policy in relation to the provision of training or education; or (c) assessing policy in relation to social security or employment as it affects the provision of or participation training or education. |  |

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| --- | --- |
| Request for children’s services data (most commonly data relating to children in need, looked after children and adopted children) | |
| Legislation within [section 83 of the Children Act 1989](http://www.legislation.gov.uk/ukpga/1989/41/section/83) covers the sharing of children’s services data (for example, data for children in need, data for looked after children). |  |

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| --- | --- |
| Request for data concerning the school workforce (most commonly data sourced from the school workforce census) | |
| Legislation within [section 114 of the Education Act 2005](http://www.legislation.gov.uk/ukpga/2005/18/section/114) covers the sharing of data from the school workforce census. The law which governs the sharing of school workforce data with named bodies and third parties is the [Education (Supply of Information about the School Workforce) (No.2) (England) Regulations 2007](http://www.legislation.gov.uk/uksi/2007/2260/contents/made) |  |

|  |  |
| --- | --- |
| Request for information not covered by the DfE legislation listed above | |
| Click or tap here to enter details of the relevant legislation. |  |

## 8.4 Individual Rights

Please provide details below on how your organisation provides for the rights of the individual.

|  |
| --- |
| **The right to be** [**informed**](https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-to-be-informed/) |
| DfE publishes [model privacy notices](https://www.gov.uk/government/publications/data-protection-and-privacy-privacy-notices) and regularly encourages schools and colleges to use them to fulfil their own responsibilities as controllers. We recognise that schools and colleges are the ‘front line’ with a more direct relationship with data subjects within our data than our department. As such, we explain about how government uses data, and the NPD, within that privacy notice.  DfE also has several sections on .gov.uk explaining more about how we use data, and through our [transparency publications](https://www.gov.uk/government/publications/dfe-external-data-shares) ensure that all data sharing that moves through our governance board is visible to citizens. We are undertaking work to improve the readability and interpretation of this publication. |
| **Please provide evidence of how your organisation supports the right to be informed:** |
| Click or tap here to enter text. |

|  |
| --- |
| **The right of** [**access**](https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-of-access/) |
| Individuals have the right to access their individual data and supplementary information. The right of access allows individuals to be aware of and verify the lawfulness of the processing. Individuals are entitled to obtain:  confirmation that their data is being processed;  access to their individual data; and  other supplementary information  DfE has procedures in place to process Subject Access Requests in line with legislation. |
| **Please provide evidence of how your organisation supports the right of access:** |
| Click or tap here to enter text. |

|  |
| --- |
| **The right of** [**rectification**](https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-to-rectification/) |
| GDPR gives individuals the right to have individual data rectified (ie. if it is inaccurate or incomplete). This right is also linked to the [Data Accuracy GDPR principle](https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/principles/accuracy/).  DfE data collections undertake a significant period of cleaning and quality control, typically by frontline organisations undertaking their own data checking, and supported by validation routines at the point of entry into DfE systems. Our Subject Access Request policy allows data subjects (subject to necessary identification checks) to review the data about them which has impact on them (e.g. is used to drive elements of school funding relevant to them). In most cases, where they believe data is inaccurate and needs to be rectifying we would point them to the source of the data to ensure that the rectification can be considered locally and if appropriate ensure that any future runs of data are correct. |
| **Please provide evidence of how your organisation supports the right of rectification:** |
| Click or tap here to enter text. |

|  |
| --- |
| **The right of** [**erasure**](https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-to-erasure/) |
| The right of erasure is also known as ‘the right to be forgotten’. The broad principle underpinning this right is to enable an individual to request the deletion or removal of individual data where there is no compelling reason for its continued processing. This right is not applicable if the data is collected through a legitimate legal gateway which DfE data is. |
| **Please provide evidence of how your organisation supports the right of erasure:** |
| Click or tap here to enter text. |

|  |
| --- |
| **The right to** [**restrict processing**](https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-to-restrict-processing/) |
| Individuals have a right to ‘block’ or suppress processing of individual data. When processing is restricted, organisations are permitted to store the individual data, but not further process it. You can retain just enough information about the individual to ensure that the restriction is respected in future. |
| **Please provide evidence of how your organisation supports the right to restrict processing:** |
| Click or tap here to enter text. |

|  |
| --- |
| **The right to** [**data portability**](https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-to-data-portability/) |
| The right to data portability allows individuals to obtain and reuse their individual data for their own purposes across different services. It allows them to move, copy or transfer individual data easily from one IT environment to another in a safe and secure way, without hindrance to usability. This is not particularly relevant in the context of DfE operations. |
| **Please provide evidence of how your organisation supports the right to data portability:** |
| Click or tap here to enter text. |

|  |
| --- |
| **The right to** [**object**](https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-to-object/) |
| Individuals have the right to object to:  processing based on legitimate interests or the performance of a task in the public interest/exercise of official authority (including profiling);  direct marketing (including profiling); and  processing for purposes of scientific/historical research and statistics.  Individual rights are set out in privacy notices, however DfE believes that it has compelling legitimate grounds for the processing of its data. |
| **Please provide evidence of how your organisation supports the right to object:** |
| Click or tap here to enter text. |

|  |
| --- |
| **Individual’s rights in relation to** [**automated decision-making and profiling**](https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/rights-related-to-automated-decision-making-including-profiling/) |
| Individuals have the right not to be subject to decisions taken purely via automated processing where that decision has a significant impact on them e.g. insurance quotes, offer of employment, credit referencing. Automated processing can be used if it is necessary to enter into or perform a contract, is authorised by law, or the individual has explicitly consented. Data projects within the SRS are not undertaking automated decision making / profiling. |
| **Please provide evidence of how your organisation supports individual’s rights in relation to automated decision-making and profiling:** |
| Click or tap here to enter text. |

|  |
| --- |
| **Data Protection Impact Assessments** |
| The Department is currently in the process of undertaking a Data Protection Impact Assessment on the National Pupil Database, and its usage within the Secure Research Service, as part of its ongoing GDPR compliance work. |
| **Please provide evidence of how your organisation handles DPIAs:** |
| Click or tap here to enter text. |

## 8.5 Commercial Aspects

| Questions | Yes | No | Details |
| --- | --- | --- | --- |
| Will this data inform a product where access to that product will be bought or sold? |  |  | Click or tap here to enter text. |
| Is there any intention to generate a financial profit using this data? |  |  | Click or tap here to enter text. |

# Section 8b: MoJ/DfE data share: DfE extract

## The purpose of this section is to gather further details on applicants applying specifically for the DfE extract of the MoJ/DfE data share (if you are not applying for the DfE extract of the MoJ/DfE data share please move onto the next section).

## 8b.1 Assessing the sensitivity of your Data Request

DfE has five levels of sensitivity of data. Please tick all the sensitive data levels that apply to your data request from the metadata requested.

|  |  |  |  |
| --- | --- | --- | --- |
| Sensitivity level | Description | Example | Tick Box all that applies |
| A | Public commitment never to share this data with anyone outside DfE **(applications for this data will be rejected)** | Pupil’s nationality, Pupil’s country of birth, proficiency in English language, NCCIS characteristic1 variable, Alternative Provision placement reason |  |
| B | Highly Sensitive: Contains data about interactions with Children’s Services | Data from children in need and children looked after datasets |  |
| C | Sensitive data not classed as a special category under GDPR but a public expectation would be that we treat it sensitively | Free School Meals, Some elements of Special Educational Needs. |  |
| D | Sensitive data captured as a special category under GDPR  **(conditions of processing special categories of data must be completed, see section 4.2)** | Ethnicity, Gender, Sex, Language, Disability, Health, Religion, Some elements of SEN that have health angles. |  |
| E | Other, non-sensitive data variable | Exam results |  |

## 8b.1.2 Project requirements that justify the requested sensitivity level

|  |
| --- |
| Please give a broad overview of the requested data’s sensitivity and please justify why your project requires this. You must be willing to explain why you need high sensitivity data variables (i.e. B and D). |
| Click or tap here to enter text. |

## 8b.2 Assessing the Identification Risk within your Data Request

DfE uses four types of identification risk. From the data tables you have completed for describing your data extract requirements, please tick the **highest level** of risk that is contained within your request.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Label used in transparency publication | Identification Risk | Description | Example | Tick highest level |
| Individually identifiable data | 1. Instant identifiers | These are data variables that allow you to instantly ‘point to’ a person in a dataset | Names, Full Address |  |
| 1. Meaningful identifiers | These are data variables that very quickly allow you to identify someone (including identifying someone through linking with other known datasets) | Unique identifiers (eg. ULN, UPN) |  |
| De-identified individual data | 1. Meaningless identifiers | These are data variables used within a dataset but have no meaning beyond the dataset’s boundaries. | Pupil Matching Reference (PMR) number |  |
| 1. Other high risk data variables | These data variables do not in themselves identify individuals, but may in combination with other data variables increase the risk of identification | Home Postcode, Educational establishment codes, Free School Meal flag, Salary Spine Point |  |

## 8b.2.1 Project requirements that justify the requested Identification risk level

|  |
| --- |
| Please give a broad overview of the requested data’s identification risk and please justify why your project requires this. You must be willing to explain why you need high identifiability data variables (i.e. top table in the metadata and/or levels 1 and 2). |
| Click or tap here to enter text. |

# Section 9: HMCTS data

The purpose of this section is to gather further details on applicants applying specifically for data held by HMCTS (such as magistrates’ courts data) or primary research drawing on HMCTS sources *(if you are not applying for data held by HMCTS, please move onto the next section).*

## 9.1 Further project details

|  |  |
| --- | --- |
| **What jurisdiction does your research/data collection cover?** | Crime  Civil  Family  Tribunals |
| **What data are you seeking access to? (tick all that apply, if you are applying for primary data collection, please also fill in section 10)** | Administrative data such as data from family courts  Or primary data collection:  Case files  Interviews  Focus groups  Surveys |
| **Do you have any contacts in HMCTS with whom you have discussed the value or feasibility of this research? If so, can you please provide details.** | Click or tap here to enter text. |

# Section 10: HMCTS primary data collection

The purpose of this section is to gather further details on applicants applying for primary data collection drawing on HMCTS sources *(if you are not planning to carry out any data collection, please move onto the next section).*

## 10.1 Primary data collection method

|  |  |
| --- | --- |
| **What collection method/s do you propose to use? For example:**   * **Examination of case files** * **Interviews or focus groups** * **Survey** * **Other** | Click or tap here to enter text. |

|  |  |
| --- | --- |
| **If interviews or questionnaires are included, please specify who you are intending to include:**  **If the proposed activity only involves the judiciary or if your request or part of your request is to interview or hold focus groups with them, no data access application is required but contact should be made to the Judicial Office at** [**researchrequest@judiciary.uk**](mailto:researchrequest@judiciary.uk) | HMCTS staff  HMCTS legal staff  Court/Tribunal users |

If your research includes interviews or focus groups with HMCTS staff, please supply in advance, an outline of the areas under discussion and the proposed questions. If you are seeking responses to a questionnaire, then please supply a copy.

|  |  |
| --- | --- |
| **Are 'protected characteristics' data under the Equalities Act 2010 to be collected? (e.g. age, disability, gender reassignment, marriage & civil partnership, race, religion or belief, sex, sexual orientation).** | Yes  No |

|  |  |
| --- | --- |
| **If Yes, please state:** | Age  Disability  Gender Reassignment  Marriage and civil partnerships  Race  Religion  Sex (Gender)  Sexual Orientation  Other (please state below) |

|  |
| --- |
| **Other 'protected characteristics’** |
| Click or tap here to enter text. |

## 10.2 Case file identification/extraction – access to/use of personal data

|  |  |
| --- | --- |
| **Do you require access to case files, documents or other records held by HMCTS which are not available to the public?** | Yes  No |

|  |
| --- |
| **Please set out below the exact data you hope to extract from them and what arrangements have been made to identify the cases involved.** |
| Click or tap here to enter text. |

|  |  |
| --- | --- |
| **How many cases are to be reviewed/extracted?** | Click or tap here to enter text. |
| **How will the information be stored?** | Click or tap here to enter text. |

## 10.3 Impact assessment

If your request includes looking at data with personal identifiers held within case files, you must remember to consider the time it will take for HMCTS staff to retrieve and replace files from various (including off-site) storage arrangements. General access to court files is not allowed. Please indicate the number of locations in each business area affected.

| Business area | Number of location(s) to be visited/affected. |
| --- | --- |
|
| Crown Court | Click or tap here to enter text. |
| Magistrates’ Courts | Click or tap here to enter text. |
| County Courts | Click or tap here to enter text. |
| Family courts | Click or tap here to enter text. |
| Royal Courts of Justice | Click or tap here to enter text. |
| Tribunals | Click or tap here to enter text. |
| Other (please specify) | Click or tap here to enter text. |

|  |
| --- |
| **Please list the proposed court(s) and/or offices which will be contacted and affected by your activity** |
| Click or tap here to enter text. |

|  |
| --- |
| **If ‘all’ or ‘most locations’ are proposed, please give reasons why a sample is not appropriate.**  **Note: if detailed low-level analyses are not required, sample surveys should be the default option.** |
| Click or tap here to enter text. |

# Section 11: Accessing data through your own secure setting

The purpose of this section is to gather further details on applicants applying to access the requested data through their own secure setting via a data share agreement *(if you are not accessing data through you own secure setting, please move onto the next section).*

## 11.1 Secure settings

|  |
| --- |
| **How will the data be transferred between organisations?** |
| Click or tap here to enter text. |

|  |
| --- |
| **How will the data be stored?** |
| Click or tap here to enter text. |

|  |
| --- |
| **How will the security of the data be maintained?** |
| Click or tap here to enter text. |

|  |
| --- |
| **What is your policy around incident reporting?** |
| Click or tap here to enter text. |

|  |
| --- |
| **Please confirm that you are familiar and compliant with the HMG security policy framework (and include any relevant supporting information not covered by the above)** |
| Click or tap here to enter text. |

|  |
| --- |
| **How will the data be destroyed?** |
| Click or tap here to enter text. |

|  |
| --- |
| **Research using different datasets relies upon different pieces of legislation. Which legal gateway are you using to get access to the data?** |
| Click or tap here to enter text. |

# Section 12: Accessing data through ONS Secure Research Service

The purpose of this section is to gather further details on applicants applying to access the requested data through the ONS SRS *(if you are not accessing data through ONS SRS, please move onto the next section)*

## 12.1 Criteria met

|  |  |
| --- | --- |
| **Are you a ONS accredited user?** | Yes  No |
| **If you are not an ONS accredited user, do you plan to apply whilst your request for data is being reviewed?** | Yes  No |
| **It is an expectation that you intend to publish the findings of your research. Please confirm you agree to this.** | Agree  Disagree |

## 12.2 Safe outputs: File Format

Once research has concluded, you should be aware that:

1. All outputs will be checked by the ONS checking service. Outputs will be checked against the Intended Permitted Outputs and be subject to standard ONS disclosure rules.
2. It is an expectation of using the SRS that you intend to publish the findings of your research.

|  |  |
| --- | --- |
| What is your preferred file format for any data extracts that you may receive? If your intention is to perform your analysis in a SQL database please indicate whether a database creation script (in Microsoft SQL Server format) should also be provided.  (Please insert X against your preference). Please note that some data sources may not be available in some file formats. | |
| **SPSS** |  |
| **Tab-delimited text file** |  |
| **CSV** |  |
| **Excel (not available for NPD extracts)** |  |
| **SQL database (together with SQL schemas)** |  |

## 12.3 Software

|  |  |
| --- | --- |
| ONS SRS is able to provide access to the following software. Please indicate which software you would like to use. | |
| **ArcGIS 10.4.1** |  |
| **Microsoft Office** |  |
| **MLwiN** |  |
| **Python (with add ons)** |  |
| **R (and R Studio) (with extensive local library)** |  |
| **SAS** |  |
| **SPSS** |  |
| **SQL** |  |
| **STATA** |  |

|  |
| --- |
| If you need to use a different software package, please explain why the software listed above does not meet the requirements for your project. |
| Click or tap here to enter text. |

# Check and Send

Prior to returning this form, we recommend that you check the following:

|  |  |  |  |
| --- | --- | --- | --- |
| Section | Action | Done? | N/A |
| Data access requirements | You have selected what data and how you would like to access the data |  |  |
| Applicant details | Primary and Secondary names and email addresses have been included |  |  |
| You have detailed any relationship with other organisations |  |  |
| You have provided us with the key skills of your team |  |  |
| Project details | You have entered the brief purpose using plain English and are aware that is what may be placed onto gov.uk. |  |  |
| You have described the work in greater detail and in particular justified application to use sensitive data |  |  |
| You have described the intended outputs and the timeline of your research / project |  |  |
| If relevant, you have provided evidence of prior ethical approval |  |  |
| You have described the main limitations of your data |  |  |
| GDPR | You have carefully considered, and selected, the conditions of processing that you wish to use for your research / project |  |  |
| If relevant, you have provided sufficient evidence around the use of consent |  |  |
| Safe Data | You have described what dataset you require access to and the coverage period you require |  |  |
| You have selected the right data variables and/or completed a document for the variables for your work |  |  |
| You have inserted a realistic, justifiable license end date |  |  |
| You have described your statistical disclosure control policies |  |  |
| Data Linking | If you are linking data, you have descried what data you plan to link and why you require data linking and if you have explicit consent |  |  |

If you are applying for access to data held by **MoJ**, we recommend that you also check the following:

|  |  |  |  |
| --- | --- | --- | --- |
| Section | Action | Done? | N/A |
| MoJ data | If you already hold any data from the Police National Computer, you have provided us with details of this |  |  |
| You have provided us details of whether you have engaged with the National Research Committee about accessing data held by HMPPS |  |  |
| You have provided us with any contacts in MoJ whom you have discussed the value or feasibility of this research |  |  |

If you are applying for access to **HMPPS Data First data[[3]](#footnote-3)**, we recommend that you also check the following:

|  |  |  |  |
| --- | --- | --- | --- |
| Section | Action | Done? | N/A |
|  | You have provided us with any contacts in MoJ whom you have discussed the value or feasibility of this research |  |  |

If you are applying for the **MoJ/DfE data share**, we recommend that you also check the following:

|  |  |  |  |
| --- | --- | --- | --- |
| MoJ/DfE share | All DBS certificates are up to date and have been included with the application |  |  |
| All Individual Declaration Forms signed and included with the application |  |  |
| ICO number (or exemption evidence) included with the application |  |  |
| You are aware of the options around remote connectivity to the SRS |  |  |

If you are applying for access to data held by **HMCTS**, we recommend that you also check the following:

|  |  |  |  |
| --- | --- | --- | --- |
| Section | Action | Done? | N/A |
| HMCTS data | You have selected the jurisdiction your research/data collection covers |  |  |
| You have described what data you are seeking access to |  |  |
| You have provided us with any contacts in HMCTS whom you have discussed the value or feasibility of this research |  |  |

If you are applying for access by **primary data collection** drawing on **HMCTS** sources, we recommend that you also check the following:

|  |  |  |  |
| --- | --- | --- | --- |
| Section | Action | Done? | N/A |
| HMCTS primary data collection | You have described what collection methods you propose to use. If interviews are included, please specify who you are intending to include |  |  |
| You have described whether protected characteristics are to be collected |  |  |
| If you are require access to case files, documents or other records held by HMCTS which are not available to the public, you have provided details on those that you require |  |  |
| You have provided details for the impact assessment |  |  |

If you are applying for access to data through **your own secure setting**, we recommend that you also check the following:

|  |  |  |  |
| --- | --- | --- | --- |
| Section | Action | Done? | N/A |
| Secure setting | You have described how you plan to transfer data between organisations |  |  |
| You have described how you plan to store and secure the data |  |  |
| You have confirmed you are familiar and compliant with the HMG security policy framework |  |  |
| You have described how the data will be destroyed |  |  |
| You have described what legal gateway you are using to access the data |  |  |

If you are applying for access to data through **ONS Secure Research Service,** we recommend that you also check the following:

|  |  |  |  |
| --- | --- | --- | --- |
| Section | Action | Done? | N/A |
| ONS SRS | You have checked you meet the criteria |  |  |
| You have selected your preferred file format and software |  |  |
| You are aware of the ONS suppression policy and output checking policy. |  |  |

# Declaration

The information contained in this Application Form is true, correct and complete. I understand that any misrepresentation or incorrect information around the organisation’s data protection obligations may lead to a delay in access to data, may invalidate my request an ultimately could lead to necessary action relating to non-compliance of data protection legislation.

|  |  |
| --- | --- |
| Name | Click or tap here to enter text. |
| **Organisation address** | Click or tap here to enter text. |
| **Dated** | Click or tap here to enter text. |

**Thank you. Now please submit your form to:**

[datalinkingteam@justice.gov.uk](mailto:datalinkingteam@justice.gov.uk) for MoJ owned data, MoJ extract of the MoJ/DfE share and HMPPS Data First data.

[dataaccesspanel@justice.gov.uk](mailto:dataaccesspanel@justice.gov.uk) for HMCTS owned data

[data.sharing@education.gov.uk](mailto:data.sharing@education.gov.uk) for DfE extract of the MoJ/DfE share

1. MoJ Data First Criminal Courts, Prisons and Probation Linked Dataset, the MoJ Data First Prisoner Custodial Journey Level Dataset, and MoJ Data First Probation Dataset. [↑](#footnote-ref-1)
2. MoJ Data First Criminal Courts, Prisons and Probation Linked Dataset, the MoJ Data First Prisoner Custodial Journey Level Dataset, and the MoJ Data First Probation Dataset. [↑](#footnote-ref-2)
3. MoJ Data First Criminal Courts, Prisons and Probation Linked Dataset, the MoJ Data First Prisoner Custodial Journey Level Dataset, and the MoJ Data First Probation Dataset [↑](#footnote-ref-3)