



Department
for Education

School attendance data collection impact assessment

**Regulatory changes for state funded
schools**

August 2024

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Summary

This publication provides the Data Protection Impact Assessment [DPIA] for the daily attendance data collection. This assessment is completed in consideration of Data Protection legislation and assures of compliance with that legislation.

Who this publication is for

All state funded schools

Main points

This DPIA gives an overview of the reasons for the daily attendance data collection and detail for:

- Who the 'data controller' is
- How the data will be processed and shared
- The retention period for the data
- Security measures
- The scope, context and benefits of the processing
- The Lawful Basis for processing

Document history

This DPIA replaces the existing DPIA published on Gov.uk which relates to the voluntary daily attendance data collection. This version has been written to reflect the changes to legislation which makes this collection mandatory.

1.Introduction

This is not a new data collection but a change in frequency of an existing collection. The data fields (including special category) are all currently collected via Census collections on a termly or annual basis depending on which collection it is.

This is an expansion of the voluntary collection which has been in place since February 2022 with 95% of schools participating as of 7 August (20,731 schools that agreed to share data). Whilst the current daily attendance data collection is voluntary, there is an incomplete picture of attendance patterns across England, hence the move to mandating the submission in order to provide a full picture.

This will be a collection of school daily attendance data, which will enable the level of analysis to understand reasons for absence to support schools, LAs and Academy Trusts in identifying trends, risks and issues requiring immediate action to support children they are responsible for.

Sharing school attendance data is a statutory requirement. A school is compliant with the duty to share information under the regulations when the school has and continues to have all the required information in its MIS and when the Department has continued permission to access that information at any time. Further details are available here:

[Share your daily school attendance data - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/share-your-daily-school-attendance-data)

For the very small number of schools who do not have a compatible management information system a manual process has been set up so those schools can submit their session level attendance data to DfE on a weekly basis.

“The overall aim of the daily attendance collection is to equip schools, academy trusts, and local authorities with the tools to monitor and identify concerning patterns or trends of absence in near real time and improve pupil attendance.”

DfE believes the voluntary daily attendance collection has demonstrated the value of the data to the education sector and mandating the collection of daily attendance data, will further support the achievement of the aim(s) and realising of the benefit(s).

In Scope:

Information relating to the mandating of the collection of daily attendance data from schools.

Out of Scope:

- Matters relating solely to the daily attendance voluntary collection, unless deemed to be directly applicable to the mandating of data collection.

Any further processing activities that may take place, using the daily attendance datasets.

2. The Data Controller

DfE is the data controller for personal data collected through the daily attendance data collection.

For reference:

- Schools and Academy Trusts are independent data controllers for the initial data collection, as required in law for the School Census Data Collection & from September 2024 the Education (Information About Individual Pupils) (England) Regulations 2013.
- Local Authorities, as the accountable body for maintained schools and all children educated within their boundary, are also independent data controllers.
- DfE becomes an independent data controller at the point it receives the attendance data collection via the secure hub, as it has determined the purpose and means of processing for this data collection. Data flows back from DfE to the other independent controllers using the View your Education Data (VYED) service.

3. Personal Data within the processing activity

3.1. Data Processor

[Wonde](#) act a Data Processor under contract to collect the daily data from schools and share with DfE. The contractual arrangements between DfE and Wonde complies with the requirements for processor contracts under Article 28 and this is unchanged by the mandating.

3.2. Who the data will be shared with

Identifiable data is shared with:

Schools, Local Authorities and Academy Trusts, via DfE's [View Your Education Data](#) (VYED) service.

- Schools have the ability to view only their pupil level data.
- Academy Trusts have the ability to view the data of their participating schools' that are part of their trust.
- LAs have the ability to view only the data for their pupils attending an in-scope school in the LA area where the school has agreed to participate.

In the instance where a child is educated in a different LA to where they live, the LA providing the education will have the ability to view that child's data.

Statistical Information for External Research:

Aggregated Attendance Statistics are made publicly available by DfE on a fortnightly basis via DfE's explore education statistics service:

[Pupil attendance in schools](#)

Internal Use of Data

DfE will store the daily data extract in the Enterprise Data & Analytics Platform (EDAP) for internal use by analytical and research teams across DfE.

Sharing of Data with Third Parties

There is no current intention to share identifiable data with third parties. Any future requests for such information would be subjected to DfE's data sharing approvals panel, if eligible.

4. Retention Period

Data will be retained until state retirement age plus three years.

This time period been chosen to allow DfE to link our education data to earnings and employment data across an individual's full economic lifetime (working career) for the

purpose of longitudinal research. This retention period matches the National Pupil Database (NPD) data retention period.

This has been tested following a legal challenge which was brought against DfE's decision to retain attendance data for 66 years, insofar as it was believed that it was neither necessary nor proportionate to be retained for that length of time. The Judge refused the request for a judicial review and noted that "*the assessment that such retention is proportionate has a proper basis*"

5. Security of Processing Activities

DfE has robust safeguards and controls in place to ensure this data, as with all our data, is handled securely and in accordance with relevant data protection regulations. This data collection has been allocated an information asset owner responsible for controlling access to the data to only those with a justified and legal need and is responsible for completing ongoing periodic reviews to ensure that the data is retained for no longer than necessary for the purposes for which it was originally collected.

The project team worked with DfE's lead security information officer to ensure security colleagues are satisfied that the requirements of Article 32 are met, and this includes the secure hub used by Wonde as our processor. Security colleagues confirmed this meets Departmental security requirements and complies with the requirements of Article 32 before DfE signed the contract.

Data access will be monitored for unauthorised access attempts or other suspicious activities.

Access to the data stored will be by permission only, with only DfE analysts who have a legitimate business reason to view the data, being granted access.

All access to the data is authenticated via an Identity and Access Management solution (controlled by DfE). Authorisation to access data is controlled via role-based access rules.

Wonde stores the data received from schools within an Amazon Web Services data centre in the Republic of Ireland.

When transferred to DfE, data is stored and processed within Microsoft Azure cloud hosting which is based in the Republic of Ireland and the Netherlands. The transfer of

personal data outside of the UK is on the basis of the UK-EU adequacy decision, supported by standard contractual clauses.

5.1. The Scope of the Processing

The personal data collected is considered to be inherently sensitive as it relates to children across all state funded schools in England

Schools attendance data, and any changes to pupils' data is extracted by DfE (from Wonde) on a daily basis. Data will be submitted for all pupils that are enrolled within each eligible school. This will be a permanent business-as-usual activity, therefore there is no defined end date at this stage.

The collection will include all reception, all statutory school age pupils and Years 12 and 13 (where recorded).

There are approximately 9 million pupils in scope within eligible schools in England.¹ The mandating of the collection applies to England only.

5.2. The Context of the Processing

DfE for Education is responsible for children's services and education, including early years, schools, higher and further education policy, apprenticeships and wider skills in England.

DfE does not have a *direct* relationship with the data subjects, and we do not collect the data directly from data subjects, our relationship is therefore considered as indirect.

Currently, *schools* have a choice whether they share their attendance data on a daily basis with DfE, this will change with the amendment to the regulations.

Data subjects, however, have no control over the collection and sharing of their data as part of the daily attendance data collection, as the provision of pupil level data is defined within legislation, and collected under the lawful basis of 'public task' – this point is applicable, to all pupils in eligible schools currently, regardless of the frequency of collection by DfE.

¹ <https://explore-education-statistics.service.gov.uk/find-statistics/school-pupils-and-their-characteristics>

To meet transparency obligations a privacy notice has been made available for the daily attendance collection, along with further information and guidance for schools. This satisfies Article 12 (schools) and Article 14 (DfE)

5.2. The Purposes and Benefits of the Processing

For most children, being in school is the absolute best place for their education, wellbeing, and long-term development. Good attendance at school is vital for children and young people's education and their wider wellbeing.

The use of the Daily Attendance data will

- Allow early identification of absence enabling 'route cause' of attendance issues to be investigated and action taken to develop support and interventions at the earliest opportunity.
- Maximise a pupil's attendance and enable them to achieve the best possible outcomes they can.
- Allow early identification of potential safeguarding concerns, enabling better support of the child by the relevant team/agency.

Therefore, the intended outcome for data subjects at an individual level is to support their attendance at school. This outcome is enabled by DfE making the information available back to schools, local authorities and trusts, rather than as a result of actions or policies by DfE.

The following benefits have been identified for stakeholders in the Daily Attendance data collection:

Schools/Trusts/Local Authorities

- Help to improve attendance by identifying trends and pupils who may need additional support, much earlier than was potentially previously possible.
- Enable the straightforward sharing of attendance data with their board, governing body and local authority to demonstrate their up-to-date attendance positions (and versus the historic position when available/appropriate)
- Will help them meet the new expectations set out in [Working together to improve school attendance](#)

Improving attendance at school is fundamental to levelling up educational standards in every part of the country and supporting children and young people.

Central to this work is the accurate recording and timely sharing of attendance data between schools, academy trusts, local authorities to facilitate timely and targeted support and interventions for children and families.

We have a shared goal to improve attendance, and having better data is one thing that will allow society to achieve that aim. Access to better data at a national, regional and local level will both help highlight particular challenges and identify solutions that are currently working well and can be shared.

There are benefits for DfE having access to up-to-date attendance information.

Operational Decision Making

- There has not been a consistent approach to reporting attendance data across the sector, this project has enabled that overview of the data.
- This daily data gives DfE oversight of attendance data, enabling more timely understanding of trends/risk and issues.
- This rich data set is used to inform policy, strategy, and operational decisions in a timely way.
- Enables support and intervention to be available in a timely manner for the sector.

Early Trend Analysis

DfE expects to be able to assess the impact of external factors in real time on a day-to-day basis, such as winter infections and the cost-of-living crisis on schools' attendance.

5.3. Personal Data Processed as part of Processing Activity

The majority of the data fields replicate those collected during the successful voluntary period of the daily attendance data collection. We have also taken the decision to mandate home postcode, first language and SEN Type and Rank following feedback from users.

Demographic information is particularly important in understanding issues relating to attendance, as Government research has demonstrated that some groups of pupils, such as those with special educational needs (SEN), or who are eligible for free school meals (FSM), or those belonging to Travellers of Irish decent or Gypsy/Roma ethnic groups, have higher absence rates on average than their peers.

DfE collects the following data fields:

Demographic

Surname, forename, middle name

Date of Birth, sex, ethnicity, first language

Unique Pupil Number (and former, where necessary),

Related Information

Attendance code

Admission Date, Leaving Date (where available)

Post Code

National Curriculum year group

Vulnerable Child Indicators - * indicates voluntary

Child in Need*, Child Protection Plan*, Looked after Child, Previously looked after child

Special Educational Needs type and rank, Education health and care plan (EHCP)

Free School meals

These are collected for

- pupils in reception
- all compulsory school-age pupils
- pupils in years 12 and 13 (if this is recorded in your management information (MI) system)

6. Consultation

The attendance Policy Team has led the development of the move to mandating of the daily attendance data collection, and the following have been consulted with:

- Attendance Data Reform Board
to consider the proposal and agree next steps and recommendations.
- Minister for Schools
to approve work to amend the regulations.
- Government Legal Department

To advise on any legal considerations and draft the amendments to the regulations.

- Departmental Data Protection Office

To write the DPIA.

Identify any new privacy risks as a result on mandating.

To consult with the ICO as required.

- Data Visualisation and Analysis teams

As an internal stakeholder/service provider and user of the data

Externally, the following have been consulted with, in relation to making the daily attendance collection mandatory:

DfE's [Star Chamber Data Scrutiny Board](#)

The Star Chamber helps DfE to assess data collections for schools and children's services. It aims to ensure all proposed data collections are:

- possible
- necessary
- good value
- as easy and quick to complete as possible

The Star Chamber backed the recommendation for mandating the Daily Attendance data collection.

User Research

Whilst not deemed as formal consultation, DfE has undertaken continual user-research, during the 'voluntary' period, with the following examples of feedback:

Local Authorities and Multi Academy Trusts:

- Current landscape of attendance: "I would like to express our profound joy at having access to any attendance data that is 'current.' As LA Attendance Specialist we find in the majority of cases we are reliant on historic data that is not representative of the current landscape of attendance in schools. - Essex LA

- Live data on the most vulnerable: “I think it is the most significant data progress that we've had on any level. We can start to really look at what is the current live picture, which we previously did not know at all. In fact, I was quite surprised when I took on the duties for children with a social worker, how little we knew of anything around school attendance. Your data enables us to create that sense of urgency and galvanize people together in a strategic way so that we move forward and change that.” – Virtual School Head
- Reduced data return burdens: “We’re telling schools that they won’t need to keep sending us data every month”

Primary School Deputy Head(s)

- I'm able to get at the touch of a finger the different groups, including FSM and SEN.
- With the DfE platform I like the dashboard. I like it giving me the overview and then I can drill down because we're trying to close the gap for vulnerable children and our target is to diminish the gap for persistent absence.

Secondary School Deputy Head

- It gives you some notion of where you know you're moving in the right direction. At the start of the year, we were literally 62nd out of 63 so the fact that we're now 24th. It's something you can be proud of.'

7. The Assessment of Necessity and Proportionality

The Daily Attendance data collection clearly supports the overall aim improve pupil attendance and reduce absence in England.

There are a number of examples of “public” interest and use of the data that DfE makes available as statistics, as well as the feedback from schools themselves.

- [DfE publishes absence rates for first Tuesday of 2023/24 academic year | Edexec](#)
- [One in five pupils in England were persistently absent in past school year | Schools | The Guardian](#)
- [One in five children regularly misses school, figures show - BBC News](#)
- [Using school attendance data proactively rather than reactively | Children's Commissioner for England \(childrenscommissioner.gov.uk\)](#)

- [DfE team wins statistics prize for pupil-attendance data system \(civilserviceworld.com\)](https://www.civilserviceworld.com)

The following alternative approaches have been considered:

- Voluntary attendance data collection

From spring 2022, DfE has operated the daily attendance collection on a voluntary, basis. The collection has seen the majority of eligible schools within England sign up and provide their data, however a number of schools have chosen not to.

DfE believes that in order to meet the objectives of the daily attendance data collection that a full picture of the attendance landscape in England is required, as supported, and recommended by the Education Select Committee (ESC).

Therefore, to ensure that 100% of state-funded schools record, view and share near real time data on pupil's attendance, mandating is the recommended approach. The level of engagement and support from schools during the voluntary phase has evidenced the benefits of this approach.

- Non-daily attendance collection

DfE has previously collected information at set periods throughout the year, meaning a significant lag between data sets being collected and made usable, both internally and externally as statistics.

The pandemic highlighted the importance of having up to date information available in order to analyse the impacts and effects on attendance here and now.

- Collection of anonymous information

Whilst anonymous attendance information could be collected to meet many of DfE's immediate aims, objectives and benefits, providing this back to organisations, such as schools or local authorities, in an anonymous format would mean that many of the benefits in those areas would not be realised. For instance, it would not identify a specific trend in a particular individual or cohort of individuals, meaning no tailored action could be taken to support them.

Anonymous information would also mean DfE is unlikely to be able to meet the objectives in terms of seeing the long-term impacts of attendance on individuals, via matching with datasets such as the Longitudinal Education Outcomes (LEO).

This collection will be subject to regular review, if it can be determined that the data can be fully anonymised whilst still meeting DfE's aims DfE will take appropriate action to anonymise.

- Collection of Pseudonymous information

Providing pseudonymised information to stakeholders, such as schools or local authorities, would lessen the value of the information as it would require additional actions to be taken in order to identify particular individuals, and those without the means to do so, would effectively be dealing with the issues identified in the anonymous section.

It should also be noted that Pupil Names have been included to align with the school census data collection and to enable future data matching for longitudinal analysis purposes.

8. The Lawful Basis for Processing

Article 6(1)(e) The processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

The legislation requiring schools to share this data is regulation 5A of the Education (Information About Individual Pupils) (England) Regulations 2013, as amended, and section 537A Education Act 1996.'

For this collection we are exercising multiple functions which are all supported via the census collections are legislated via the Education Act 1996 section 10 and section 11 which require the Secretary of State to "promote the well-being of Children in England" and "exercise his powers with a view to (among other things) improving standards, encouraging diversity and increasing opportunities of choice."

The changes to frequency and method are designed to improve education for pupils and therefore are consistent with the duty on the SoS to promote the education of children in England.

Article 9 (g) processing is necessary for reasons of substantial public interest Section 10(3) of the DPA 2018 provides that processing meets the requirements of Article 9(2)(g) of the UK GDPR if it meets a condition in Part 2 of Schedule 1 of the DPA 2018. For this processing, the condition met will be paragraph 6 (statutory and government purposes). This requires the processing to be necessary for:

- reasons of substantial public interest; and
- the exercise of a function either (i) conferred on a person by enactment or rule of law; or (ii) the exercise of a function of the Crown, A minister of the Crown or a government department.

The substantial public interest is provided by the processing allowing DfE and its executive agencies to ensure the provision of education and children's services is effective and efficient and function being exercised will be as outlined in response to the previous question, which covers the function the processing meets for the reliance on Article 6(1)(e).

9. Fairness

The collection of pupil level data by DfE for Education should not be considered as inherently unfair by society and/or data subjects/their parent/carer.

DfE is not specifically making decisions about individual data subjects as part of the daily attendance data collection.

Schools, trusts or local authorities may use the data presented back DfE from VYED to make decision of their own accords.

However, these would be decisions made as data controller in their own right; using the same information that they have collected, but in a more accessible/usable format.

DfE does not consider that any automated decision making will take place as part of the Daily Attendance processing activity. If any decisions or similar activities, whether automated or not, are to be made using the attendance data set, these would be formally considered by the attendance board, and are considered out of scope of this assessment.

Any automated decision making on the basis of the data provided that is undertaken by external data controllers, is considered to be out of scope of this assessment.

Direct impacts for data subjects are likely to be as a result of the ‘use’ of the data by schools or local authorities in relation to attendance.

For instance, checking with data subjects and their parents/carers if there are any particular reasons for a change in their usual attendance patterns.

There are no foreseen direct impacts upon data subjects by DfE’s use of the data for analytical or statistical work, as our work does not look specifically at individual data subjects.

It is difficult to foresee any actual adverse or negative impact as a result of the mandating of the daily attendance data collection.

It is possible that in occasional instances, some data subjects and/or their parents/carers may find the level of information collected and its frequency of transmission to DfE to be intrusive or excessive.

10. Transparency

DfE has published a number of materials relating to transparency, although it is recognised that it is unlikely that most data subjects and/or their parent/carer have viewed these materials.

DfE continues to review the way in which privacy information is provided by DfE, in order to better meet our requirements under data protection legislation.

We will develop standard wording for schools/LAs and academy trusts to add to their privacy notice and publish on gov.uk.

DfE have carried out an Equality Impact Assessment, which has been provided to Ministers as part of the decision-making process.

11. Accuracy of Data

Attendance data is entered by schools, following their local processes, in accordance with [Attendance Guidance](#) set out by DfE, stating the expectations for schools to “accurately complete admission and attendance registers”.

The specific requirements for what must be recorded and how are laid out by The Education (Pupil Information) (England) (Miscellaneous Amendments) Regulations 2016.

It is accepted that attendance registers can change, therefore, Wonde will ingest retrospective changes made by schools.

DfE undertakes data quality checks, to ensure that information submitted to it by schools meets the expectations of the data schemas.

If inaccurate data is provided to DfE, as a result of errors made by those responsible for recording attendance at a local level. On an individual level, there is unlikely to be any real or negative impact, as data held in internal analytical data stores is not used to make decisions about individuals.

12. Individual Rights

The Right to Be Informed

Information processed via the Daily Attendance collection is collected via another source, i.e. schools, and not directly from the data subjects themselves, therefore the requirements of Article 14 apply.

DfE considers it would involve disproportionate effort to *directly* communicate the privacy notice to individual data subjects, and not practically feasible, as DfE does not hold direct contact details for all data subjects and/or their parents which would enable it to do so.

We have however made it available online - [DfE privacy notice for schools daily attendance data collection \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/612222/dfe-privacy-notice-for-schools-daily-attendance-data-collection.pdf)

DfE has [provided guidance](#) to schools on ensuring that they have compliant privacy notices, that include information relating to, and signposting towards, Departmental notices. This information is also included in our bespoke [data protection toolkit for schools](#).

As noted previously, however, DfE is aware that this approach can be improved and therefore DfE will continue to engage with schools and/or their representative groups via ongoing user research to explore options to further maximise awareness of our privacy notices, for instance, through the 'Get Help with Data Protection in Schools Project'. The

project aims to support education settings to understand and comply with their data protection legislative obligations and responsibilities by:

- developing guidance and practical advice on how to apply legislation in the context of schools.
- increasing understanding of data controller responsibilities; and
- providing a dedicated information portal, which will hold guidance, templates, and training materials.

The Right of Access

As explained within the privacy notice, data subjects can ask for copies of personal information held by DfE hold about them by making a ‘subject access request.’ This is further supplemented by the guidance available via the Personal Information Charter - <https://www.gov.uk/government/publications/requesting-your-personal-information/requesting-your-personal-information>

DfE has operated a centralised subject access request (SAR) process since 1st August 2022, whereby when a SAR is received it is logged onto a central system by the Ministerial and Public Communications Division.

If deemed to be in scope of the centralised process, the information rights team within the Office of the Data Protection Officer will then lead and manage the response to the SAR with support from the business area as required.

SARs made relating to Daily Attendance are considered **in scope** of the centralised process.

As of January 2024, no subject access requests have been received in relation specifically to the Daily Attendance data collection.

The Right to Rectification

DfE has an established process in place to comply with this right via the standard “contact” process via DfE Contact us as highlighted in our privacy notice and personal information charter.

Data subjects and/or their parents can use this process to ask for data to be rectified or completed if it is wrong, which is likely to be as a result of a subject access request which can be submitted through [Contact DfE](#)

The Right to Erasure

As the processing of data collected as part of the Daily Attendance data collection is necessary for the performance of a task carried out in the exercise of official authority, the right to erasure does not apply and therefore any data subjects trying to exercise this right will have their request denied, along with an explanation of the reason why.

No requests have been made to exercise the right to erasure as of January 2024

The Right to Object

Data subjects have the right to object, under the public task lawful basis, and can do so by following the details on the personal information charter. It should be noted that the right to object is not absolute, and if DfE can demonstrate compelling legitimate grounds for the processing, which override the interests, rights and freedoms of the individual, the request can be refused.

The Right to Restrict Processing

Although this is distinct from the right to rectification and the right to object, there are close links between those rights and the right to restrict processing:

- if a data subject challenges the accuracy of their data and asked for DfE to rectify it (Article 16), they also have a right to request that DfE restrict processing while we consider their rectification request; or
- if a data subject exercises their right to object under Article 21(1), they also have a right to request DfE restrict processing while we consider their objection request.

Again, the right is not absolute, and the Information Rights team would support the Daily Attendance data collection team should they receive any such requests.



Department
for Education

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