



UK Government

MoJ DfE data share:

Privacy and Data Protection

The MoJ DfE share is being carried out by 2 government departments working together:

- The Ministry of Justice
- The Department for Education

For the purposes of data protection legislation, each departments acts as an independent data controller for the share.

How we use your information

The share is used to improve understanding of the potential links between educational outcomes and characteristics and involvement or risk of involvement with crime and the criminal justice system. To do this, we link personal information obtained from the relevant government departments relating to an individual's education and offence history in order to:

- Support government decision making in order to improve services
- To build the evidence base for policy development
- Evaluate and monitor the impact of interventions

Personal information we will use

The personal information we use to link this data together are:

- Name
- Date of birth
- Gender or Sex
- Postcode

Personal identifiers from justice source data are sent from MoJ to DfE who match records against the National Pupil Database. The matched records are then linked to other education data held at DfE. All personal identifiers are then removed. Once the link is made, we can then link to other information such as:

- Personal characteristics including gender or Sex and ethnic group
- If the young person had special educational needs during their education
- If the young person qualified for free school meals
- Schools attended, courses taken and qualifications achieved
- Offender history

The linked information relates to offenders with at least one record from 2000 or later. Only offenders who were born on, or after, 31 August 1985 is shared. The latest year shared covers offending data up to May 2025 and education data up to academic year 2024/25.

Lawful use of personal data

When we collect and use this information, we need to follow the law. The main laws are the Data Protection Act (DPA) and the UK General Data Protection Regulation (GDPR).

The MoJ and DfE are the data controllers for your personal data. We must have a reason to collect your personal data. This is called a 'lawful basis'.

To enable our use of your personal data to be lawful, we need to meet one (or more) conditions in the data protection legislation. For the purpose of this project, the relevant condition is:

- article 6(1)(e) GDPR, to perform a public task as part of our function as a department
- article 9(2)(j) GDPR, to process special category data for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes

Legislation that allows linking of data

MoJ's common law powers allow MoJ to link education data for the purposes of administration of justice. Data shared must be compliant with the Data Protection Act, which sets out the provisions by which the Lord Chancellor and Secretary of State for Justice have powers to use personal data for public task.

DfE rely on the following legal powers for sharing the DfE data with MoJ depending on the nature of the DfE dataset being shared:

1. Legislation within section 537A of the Education Act 1996 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.
2. Legislation within section 99 of the Childcare Act 2006 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.
3. Legislation within section 537B of the Education Act 1996 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.

4. Legislation within section 253A of the Apprenticeships, Skills, Children and Learning Act 2009 covers the sharing of KS4, KS5 with named bodies and third parties as prescribed in the Education (Student Information) (England) Regulations 2015.
5. Legislation within section 87 of the Education and Skills Act 2008 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.
6. Legislation within section 83 of the Children Act 1989 covers the sharing of children's services data (for example, data for children in need, data for looked after children).

Who we will make your personal data available to

Where we need to share your personal data with others, we ensure that this data sharing complies with data protection legislation. For the purpose of this project:

- MoJ share your data with DfE who carry out the data linkage
- We will provide access to de-identified linked information to third parties for specific research purposes and when we do so, we will make sure there are secure arrangements in place for handling the linked information

Access to personal information is restricted to relevant government employees who need access to it in order to link information. Before making this information available to others (for research purposes only), we take great care to remove all personal identifiers before it is shared.

We make de-identified linked education and offender data available to researchers accredited by the UK Statistics Authority for specific projects within the Office for National Statistics (ONS) Secure Research Service (SRS), in order to perform research for the benefit of the public.

How long we will keep your personal data

We will only keep your personal data for as long as we need it for the purposes of this study. Under data protection legislation, and in compliance with the relevant data processing conditions, personal data can be kept indefinitely when processed purely for statistical purposes.

Under data protection legislation, and in compliance with the relevant data processing conditions, personal data can be kept for longer periods when processed just for [research and statistical purposes](#).

While we retain individual identifiers for matching purposes, we will always minimise the processing of, and access to, information that directly identifies any individual. By default, where possible we will replace direct identifiers with meaningless reference numbers before data is accessed or shared. These will have no meaning beyond the dataset's boundaries.

We review the retention policy and the need to hold datasets and all items within each dataset on an annual basis.

Your data protection rights

Under the Data Protection Act 2018, you are entitled to ask us for:

- the right to access - you can ask if we hold information about you and ask for a copy by making a 'subject access request'
- the right to rectification - you can request to correct any information you believe is inaccurate
- the right to erasure - you can request for your information to be erased, under certain circumstances
- the right to restrict processing - you can request that we restrict the processing of your personal data, under certain circumstances
- the right to object to processing - you can object to DfE's processing, under certain circumstances

This means that you have the right to request information relating to you, however it is important to be aware that the share is produced by combining data sources collected for administrative purposes but in itself, is not an administrative or operational dataset.

Any subject level data held in the share should be requested from the original source at the owning government department.

Further information about your data protection rights is available on the [Information Commissioner's website](#).

Read the following for more information about how each departments handles personal data:

[Personal information charter](#) – Ministry of Justice

[Personal information charter - Department for Education - GOV.UK](#)

Requesting a copy of your data held in MoJ DfE share

The share is an analytical dataset currently used for research analysis at an aggregate level. It is made up from data sources collected for administrative purposes but in itself, is not an administrative/operational dataset. It is created through fuzzy matching techniques, and it is accepted there will be false positive matches. This is when we believe we have found a correct match from one admin system (DfE) to another (MoJ) when in fact it is not always a correct match, for example, the same person. We try to minimise the chances of this happening but we accept the small amount of false positives because we're creating an analytical dataset, not an administrative one.

As such, the use of the share for subject access requests could result in sharing information for the wrong person in the case of a false positive match. Information relating to an individual held in the share should be requested from the original source at the owning government department.

Contact us

For project specific queries, please reach out to datalinkingteam@justice.gov.uk and data.sharing@education.gov.uk

Use the secure [DfE contact form](#) or email odpo@justice.gov.uk if you want:

- to make a complaint or feel your data has been mishandled
- more information about how we process your personal data or your data protection rights
- to make a request about your information, for example to request a copy of your information or to ask for your information to be changed
- to contact our Data Protection Officer with any other query

You can also contact DfE by writing to:

Sue Wharam
Data Protection Officer
Department for Education (B2.28)
7 and 8 Wellington Place
Wellington Street
Leeds
LS1 4AW

You can complain to the Information Commissioner's Office (ICO) by using the [ICO contact form](#) or writing to:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Helpline number: 0303 123 1113



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