

ADVICE NOTE

HeadStart – Collection of data for research and statistical purposes

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Background

Blackpool Council's HeadStart programme is a Big Lottery funded programme to increase the emotional wellbeing and resilience of young people in Blackpool. Resilience means being able to deal with difficulties when life gets tough. HeadStart aims to build resilience in order to ensure increased social wellbeing and improve mental health outcomes. HeadStart projects provide both universal and targeted interventions for Blackpool's children aged 10-16.

All HeadStart projects are based on the evidence-based Resilient Therapy Framework (Hart et al., 2007). Universal projects work with families, professionals and school communities to support young people. For example, the Academic Resilience Approach facilitates schools led discussions and resilience action planning for the school and the Bounce Forward project provides a 10-week resilience course for all young people in Year 5. Targeted projects provide one-to-one support for young people, who need additional support to build their resilience and cope with difficulties.

The HeadStart team wants to provide the best support possible for Blackpool families. They need to know what's working and what's not working and find ways to identify young people who might benefit from our activities. To deliver the programme Blackpool Council, through HeadStart, collects and processes personal information to make sure the programme is working well. Collection and processing information from young people will help the team to identify young people who need additional support, as well as to understand if Blackpool HeadStart works well in schools. The HeadStart team will collect brief information on a short paper questionnaire at primary schools, and electronically at secondary schools, about what makes young people resilient and to what extent she or he is resilient in order to identify further support. This asks questions about how the children feel about their school, friends, and themselves. It is not expected to take longer than 30 minutes. The team may collect this information themselves or through partner agencies including those who deliver HeadStart activities on behalf of Blackpool Council.

As the programme is a funded programme there is a need to share data with the National HeadStart Learning Team as well as those who have been contracted to undertake evaluation and research. Appropriate technical and security measures, and safeguards, have been established to enable the sharing and subsequent processing.

Evaluation of the HeadStart service and research of the programme's effectiveness will be undertaken by a research team based at University of Brighton under a contract. This contract places obligations upon them to comply with all relevant legislation and confidentiality. That being said, it is envisaged that the research will primarily be undertaken on pseudonymised data. The UPN of each child may be used and this may be deemed to be identifiable data under the legislation.

For the purpose of the Data Protection 2018 (DPA)¹ and the General Data Protection Regulation², Blackpool Council is the 'Data Controller' as defined within this legislation³, and therefore is obliged to ensure that any

¹ Data Protection Act 2018 (c12) [DPA]

collection, storage and use (processing⁴) of personal data is in line with the relevant articles of GDPR. The HeadStart team provides a privacy notice to the parents and children participating in the programme and activities. This describes the type of data collected and what we will use this data for. It also describes any sharing of this data. Blackpool Council makes every effort to publish up-to-date [privacy notices](#) on its website. The data may be held in both electronic systems and manual records held by the Resilience Coaches and other members of the HeadStart team.

For the research and evaluation being undertaken by University of Brighton, they will act as 'Data Processors' working to the contracted instructions of Blackpool Council's HeadStart team⁵. They will ensure that any other persons working with them comply with the legislation.

Data Discussion

What is required?

The following is a breakdown of the data to be shared between schools, Blackpool Council's HeadStart Team, and University of Brighton.

- Schools sharing with Blackpool Council
A Pupil list containing:
UPN (Unique Pupil Number), first name, last name, Date of birth, gender, postcode and year group.
- Council sharing with University of Brighton (researchers)
List of pupils (children/young people) and stakeholders (including parents) who were agreeable to taking part in research and for this research data to be shared appropriately.
- Council sharing with National HeadStart Learning Team
A schedule or list containing:
UPN of the child/Young Person (YP) receiving the intervention
OR
First name, Last name, Postcode, Date of birth, Gender of the child/YP

plus

First contact date, Last contact date, Number of sessions the child/YP attended and Reason of intervention ending

Identified Legal Bases

The identified legal bases for collecting or sharing pupil and family data is outlined as shown. These do not require explicit consent from the pupils or their families, especially when already engaged with the HeadStart programme. However it is noted that research legislation does provide an opt-out for research purposes if required.

² Regulation (EU) 2016/679 of The European Parliament and of The Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) [GDPR]

³ GDPR, Article 4(7)

⁴ GDPR, Article 4(2) 'Processing' means any operation or set of operations which is performed on personal data [...] such as collection, recording, organisations, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, .

⁵ GDPR, Article 4(8)

Schools are enabled to share the requested personal data under the GDPR article 6(1)(e)⁶ defined as public interest and article 6(1)(b)⁷ as a contract for the service is in place. The contracts between the schools and, the HeadStart team and its representatives, include an obligation to provide data upon request. The data should be reasonable for the purpose and not excessive.

Blackpool Council is able to process data shared with them under the GDPR article 6(1)(e) public interest, and undertake onward sharing with the named organisations under GDPR article 6(1)(e) and article 6(1)(b)] where a contract is in place. Again, any onward sharing of data should be for the specified purpose and not excessive.

Blackpool Council has identified that it has a duty under the Children Act 2004 to make arrangements between itself and relevant partners, persons or bodies to promote cooperation to improve the well-being of children and young people, especially in respect of their physical and mental health and emotional well-being together with their contribution to society⁸.

Blackpool Council also has a duty within the Local Government Act 2000 to use its finances to assist in promoting or improving the health and social wellbeing of its citizens including children and young people⁹.

The final partner is the National Learning Team based in Manchester who receive and process the personal data and special category data¹⁰ under GDPR article 6(1)(e) public interest and article 9(2)(j)¹¹ for research or statistical purposes. The latter identifies the scientific research purpose and statistical analysis which form the National Learning Team's role within the national HeadStart scheme.

It is noted that Recitals 156-162 contained within GDPR specifically apply to research and different forms of research and archiving¹². These are summarised here.

Recital 156 states that processing of personal data for archive purposes in the public interest, scientific or historical research purposes should be subject to appropriate safeguards, and only after the Council has assessed the feasibility to ensure that the process does not permit the identification of an individual.

Recital 157 discusses the use of registers and the coupling of these to obtain new knowledge that is solid and of value. However, the safeguards to the data and data subjects' rights still need to be complied with.

Recital 158 relates specifically to archiving purposes. It does allow for the further processing of the archive data where specific information is required.

⁶ GDPR, Article 6(1)(e) 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.

⁷ GDPR, Article 6(1)(b) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract.

⁸ Children Act 2004, sections 10(1) & 10(2)

⁹ Local Government Act 2000, section 2 (1)(b)

¹⁰ GDPR, Article 9(1) 'Special Category data' includes health and mental health data.

¹¹ GDPR, Article 9(2)(j) processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes [...]

¹² GDPR, Recitals 156-162

Recital 159 is specifically for scientific research purposes. It informs us that the definition of scientific research has a broad interpretation and includes technological development, fundamental research, applied research and privately funded research. This Recital also outlines that scientific research includes studies conducted for public health areas.

Recital 160 states that personal data processed for historical research purposes are subject to GDPR.

Recital 161 describes that when consenting to participation in scientific research such as clinical trials, the requirements of a different EU regulation apply.

Recital 162 states that GDPR applies to statistical research. This is a derogated area and requires UK law to determine content, control of access, specifications of acceptable processing and measure to safeguard data and rights. The Recital defines statistical research as being collection and processing of personal data for statistical surveys, or production of statistical results. It refers to aggregated data which is not used to support decisions about individuals.

It is clear that collecting and sharing certain limited personal data of those participating in the HeadStart programme will benefit not only those participating, but the wider community within the schools and town, and general public health. There will be an expectation that when a child or young person participates within the programme, their personal data will be used to analyse effectiveness of such a programme or activities therein. However, it is noted that the purpose of the evaluation and research does not make decisions about specific individuals.

The pupil and their family's personal data rights are not affected by any such use of their personal data.

Risks

Sharing of the personal data outside of the purpose specified would be a breach of the GDPR and could place the schools and Blackpool Council at risk of enforcement action from the Information Commissioner's Office [enforcement action may, for example, take the form of a Good Practice Audit, a signed Undertaking, Enforcement Notices or further actions].

Sharing of data other than that outlined above to meet the research and analysis requirements would be excessive. This would be a breach of the GDPR as this would not be lawful processing. This could lead to complaints to the Schools, Blackpool Council and the HeadStart team, as well as the Information Commissioner's Office.

Advice

Having considered the statutory requirements and the HeadStart privacy notice, together with the national scheme privacy notices, information sharing agreements and security, the advice is that the sharing of the personal data as suggested **is compliant** with the DPA and GDPR and that there are identifiable legal bases for the processing of this data.

Therefore the collection, sharing or processing can be undertaken subject to the following conditions:

- The personal data shared must be limited to only those pupils and families participating in HeadStart programmes.

- Where possible, this data should be pseudonymised at the point of collection. Use the UPN.
- Access to the shared data should be restricted to authorised and where appropriate, contracted personnel only.
- A suitable sharing agreement must be in place between Blackpool Council and the National Learning Team, and between Blackpool Council and the University of Brighton Research Team (this could form part of the Contract).
- Schools and the HeadStart Team should develop sharing agreements where these are not already in place.
- The sharing must take place in a secure manner or environment. For paper that must be kept in secure bags when on-site visits and securely held in office environments, for electronic records that must be via a secure sharing site and not open email.
- All authorised personnel within the Council must complete all mandatory e-learning modules for GDPR and ICT Security, and should refresh of the GDPR/DPA should be included in their annual IPA reviews.
- Assurances must be provided by the National Learning Team and University of Brighton that their personnel have completed suitable GDPR/DPA training and are conversant with confidentiality.

General

This advice does not apply to other requests relating sharing of school data with Blackpool Council.

