



# Wales Accord on the Sharing of Personal Information

## Data Disclosure Agreement for

The School Effectiveness and Improvement Service for North Wales (GwE) and the North Wales  
Authorities and their Schools

**Version** [Version 1.1]

Review Date [01/10/2023]

Issue date [01/10/2018]

Internally assured on [23/10/2018]

Data Disclosure Agreements are intended for use when personal data is to be **disclosed** (i.e. passed one way) from one Data Controller to another for a specific purpose. DDAs are not intended for use in instances where the disclosure is from a Data Controller to a Data Processor and do not replace the requirement for appropriate contracts.

Information Sharing Protocols (ISPs) should be developed to document practices involving **the regular, reciprocal sharing** (i.e. information flows back and forth between organisations) of personal information between Data Controllers. Separate guidance and templates are available on the [WASPI website](#) to assist with the ISP development process.

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## **1 Introduction**

- 1.1 This Data Disclosure Agreement relates to the disclosure of personal pupil information contained within the School Statutory returns, Local Authority and Schools Management information systems and other educational data systems including tracking systems (eg FFT, INCERTS).
- 1.2 This Data Disclosure Agreement has been written in accordance with the principles contained within the Wales Accord on the Sharing of Personal Information (WASPI).
- 1.3 This DDA is intended to help partner organisations understand what data can be disclosed for the stated purpose(s). It also provides assurance that the partners have considered the requirements of data protection legislation.

## **2 Purpose of Disclosure**

- 2.1 Personal data is shared for the purpose of
  - Analysis across all Authorities will be aligned that will enable consistency of data interpretation in the delivery of shared services and joint working.
  - Consistency of service and support provision across the region in the delivery of education and support services to schools and pupils.
  - Proactive investigation, development and assimilation of best practice to inform advice and support provided by education services.
  - Make effective and efficient use of management information systems to deliver best outcomes for pupils and schools.
  - Enable robust challenge of targets set by schools for pupils.
  - Investigating key areas that will impact on performance and specific weaknesses to be targeted.
  - Providing support for early intervention, prevention and better informed decision making.
  - Monitor performance of designated groups, specified by practitioners, can be continuously monitored and changes flagged at an early stage for intervention and/or support.

## **3 Partners to this agreement**

- 3.1 Data is disclosed by

Conwy County Borough Council

Denbighshire County Council

Flintshire County Council

Wrexham County Borough Council

Isle of Anglesey County Council

to

GwE - The School Effectiveness and Improvement Service for North Wales

- 3.2 Partners to this agreement may only use the personal data disclosed to them under this agreement for the specific purpose(s) set out in this document. The data will not be exchanged with, or passed to, any non-related areas of the receiving organisation or any third parties without prior approval of the originating partner.
- 3.3 In line with the requirements of data protection legislation, partner organisations will ensure data subjects are informed how their personal data will be used.
- 3.4 The partner organisations will regularly monitor and review the use of this DDA to ensure data is disclosed effectively and appropriately.

## 4 Lawful basis

- 4.1 For the purpose of the Data Disclosure Agreement, the lawful bases for processing are as follows:

<b>GENERAL PROCESSING</b> (as defined by the General Data Protection Regulation)
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; (eg Education Act 1996 including also School Performance Information (Wales) Regulations 2011 and The School Performance and Absence Targets (Wales) Regulation 2011).
Article 9 (2) (j)- Processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes, shall be subject to appropriate safeguards, in accordance with this Regulation, for the rights and freedoms of the data subject.

<b>PROCESSING FOR LAW ENFORCEMENT PURPOSES</b> (processing by competent authorities as defined by the Data Protection Act 2018)
In accordance with section 35(2), N/A
In the case of sensitive processing, N/A

## 5 Data to be Disclosed

- 5.1 Describe the categories of personal data to be disclosed. Do not include actual personal data in this agreement:

Data collected might include -

- Pupil Name
- Unique Pupil Number
- Pupil Date of Birth
- Pupil Postcode
- School History
- Additional Learning Needs
- Attendance
- Exclusions

- Free School Meal eligibility
- Traveller
- Ethnicity
- Nationality
- Date of entry into the country
- New to English or Welsh based education status
- Care Status (LAC)
- English as an Additional Language (EAL)
- Performance data – including teacher assessment data, examination results and targets.

5.2 Partners to this agreement will ensure that all data disclosed or collected is adequate, relevant, accurate, up to date and limited to what is necessary to meet the stated purpose.

## 6 Information Security

- 6.1 Partners to this agreement will ensure that individual access to the data is limited to those who have a legitimate purpose to view, use or otherwise access it. Appropriate measures will be taken to ensure that the confidentiality of the data is maintained at all times.
- 6.2 Partners to this agreement must have an appropriate and adequate security framework.
- 6.3 Practitioners carrying out the functions outlined in this DDA should make themselves aware of, and adhere to, their organisation’s data protection, confidentiality and information security policies and procedures.
- 6.4 All partners must ensure that adequate and appropriate training on the subjects of data protection, confidentiality and information security is provided to all staff with access to personal data.

## 7 Detail of disclosure

Description	Detail
Source of Data	<p>Multiple data sources including -</p> <ul style="list-style-type: none"> <li>• Data uploaded to Welsh Government portal from school management information systems e.g. Pupil Census Data (PLASC), National Teacher Assessment Data Collection (NDC), Welsh National Test Collection and Pupils Attendance Data.</li> <li>• Data produced and released by Welsh Government e.g. Examination Results and Standardised Test Scores</li> </ul>

Methods of Transfer	Various secure transfer mechanism including – <ul style="list-style-type: none"> <li>• Downloading data from the secure Welsh Government portal</li> <li>• Electronic transfer of files from Local Authorities via secure shared drives including the secure regional shared drive and secure file transfer via HWB office 365.</li> </ul>
Destination of Data	Data stored on Gwynedd Council secure drives with access limited to GwE data team.
Frequency	The data will be disclosed <input type="checkbox"/> Daily <input type="checkbox"/> Weekly <input type="checkbox"/> Monthly  Most collections are annual collections and will be collected annually when submitted to Welsh Government or published by Welsh Government. In order to maintain accuracy any amended datasets will also be collected.
Retention period	17 years – to cover educational history of pupil + 3yrs in order to monitor educational progress.

## 8 Data Subjects' Rights

- 8.1 Data protection legislation provides various individual rights for data subjects. Advice on how these rights should be met should be sought from each organisation's Information Governance representative, Data Protection Officer or equivalent. Specific guidance on these rights is available on the Information Commissioner's website; [www.ico.org.uk](http://www.ico.org.uk)
- 8.2 Partners should ensure that data subjects are informed how and why their personal information will be processed and who it is shared with (the Right to be Informed). Ideally, this information – often provided in what is commonly referred to as a privacy notice - will be provided at the first point of contact. It can be part of a registration / consent form or a standalone document.
- 8.3 Partners will ensure that all information is clear and particular care taken when relying on consent as the lawful basis for sharing information, or where working with children, as there are additional requirements to consider. Further information on the 'Right to be Informed' is available on the Information Commissioner's website; [www.ico.org.uk](http://www.ico.org.uk)
- 8.4 All partners will have in place the appropriate policies and procedures to uphold the confidentiality, integrity and availability of personal information with specific reference to the retention, storage and disposal of records.
- 8.5 Partners will deal with requests for the information referenced in this DDA in accordance with each organisation's relevant policies and procedures.
- 8.6 Each partner will put in place a formal procedure through which data subjects, partner organisations and practitioners can direct any complaints regarding the data disclosed documented in this DDA.
- 8.7 There is an expectation that the organisations involved in this DDA will work together to keep each other informed of any complaints or requests for information received from data subjects or third parties. The organisations will also keep each other

informed of any problems, amendments or requests for erasure associated documented in this DDA and there is an expectation that they will collaborate to develop and improve these practices.

## **9 Review**

- 9.1 This agreement will be reviewed two years from signing this document or sooner, if appropriate.

## 10 Agreement Signature

<b>Disclosing Organisation</b>	Conwy County Borough Council
<b>Name</b>	
<b>Position</b>	
<b>Date</b>	
<b>Signature</b>	

<b>Disclosing Organisation</b>	Denbighshire County Council
<b>Name</b>	
<b>Position</b>	
<b>Date</b>	
<b>Signature</b>	

<b>Disclosing Organisation</b>	Flintshire County Council
<b>Name</b>	
<b>Position</b>	
<b>Date</b>	
<b>Signature</b>	

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<b>Disclosing Organisation</b>	Wrexham County Borough Council
<b>Name</b>	
<b>Position</b>	
<b>Date</b>	
<b>Signature</b>	

<b>Disclosing Organisation</b>	Isle of Anglesey County Council
<b>Name</b>	
<b>Position</b>	
<b>Date</b>	
<b>Signature</b>	

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<b>Recipient Organisation</b>	GwE - The School Effectiveness and Improvement Service for North Wales
<b>Name</b>	
<b>Position</b>	
<b>Date</b>	
<b>Signature</b>	

## 11 Appendix A – Glossary of Terms

Term	Definition
<b>Data Protection Act 2018</b>	<p>The UK's third generation of data protection law replaces the previous Data Protection Act 1998. The 2018 Act accepts the standards and obligations set by GDPR and, where GDPR allows, makes specific provisions relevant to the UK.</p> <p>The 2018 Act also transposes EU Data Protection Directive 2016/680 (Law Enforcement Directive) into domestic UK law.</p> <p>It is important the GDPR and the DPA 2018 are read side by side.</p>
<b>Data Protection Officer</b>	<p>Certain categories of organisation, including any public body or authority (except courts in their judicial capacity) are required to designate a suitably qualified Data Protection Officer (DPO). The tasks of the DPO are set out in Article 39 of GDPR.</p>
<b>Data subject</b>	<p>A 'data subject' is an identified or identifiable natural person. Organisations may refer to data subjects as service users, patients, clients, citizens, etc but for consistency, WASPI framework documentation refers to data subjects.</p>
<b>GDPR</b>	<p>The General Data Protection Regulation (GDPR) lays down laws relating to the protection of natural persons with regard to the processing of personal data and rules relating to the free movement of personal data. This Regulation protects fundamental rights and freedoms of natural persons and in particular their right to the protection of personal data.</p>
<b>Personal data</b>	<p>'personal data' means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.</p>
<b>Personal identifiers</b>	<p>A set of basic personal details that allow partner organisations to identify a data subject.</p>
<b>Personal information</b>	<p>Includes information falling within the definition of 'personal data' and information about deceased individuals. Data protection legislation does not apply to information about deceased individuals but such information needs to be treated confidentially and WASPI should be applied to this information.</p>
<b>Practitioner</b>	<p>An inclusive term that refers to those involved in the care, education,</p>

	welfare of data subjects; ie those who provide a public service.
<b>Processing personal data</b>	'processing' means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.' (GDPR Art 4(2))
<b>Special categories of data / sensitive data</b>	Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation. (GDPR Art 9(1))
<b>Data about criminal convictions &amp; offences</b>	Personal information relating to criminal convictions and offences is largely outside scope of GDPR, and must be carefully managed in accordance with DPA 2018. For Law Enforcement organisations, DPA 2018 Part 3 applies. All other organisations should refer to GDPR Article 10 and DPA 2018 Section 10).

## 12 Appendix – Asset Register

Enw'r Person cyfrifol Responsible Person	Math o Wybodaeth Type of Information	Storio Storage	Gwybodaeth bersonol (rhestrwch) Personal Information (List)	Sail gyfreithiol Legal Basis	Rhybudd preifatrwydd Privacy Notice	Rhannu Gwybodaeth Information Sharing	Cytundeb rhannu/prosesu gwybodaeth Information sharing/processing agreement?	Cyfnodau Cadw Retention Period	Camau diogelwch Security Measures
Pwy Sy'n Casglu/Cadw Name of Individual		Rhowch enw'r system neu nodwch os ydi ar bapur Name the system where the information is stored or note if paper records				Nodwch sefydliadau allanol sy'n derbyn y wybodaeth Note all external sources that the information will be shared with	Oes angen? Ie neu na Required? Yes/No	Nodwch pa mor hir rydych yn cadw'r wybodaeth Note how long the information is kept	(e.e cwpwrdd dan glo system wedi amgryptio) (e.g. - stored in locked cupboard, on secure drives, on encrypted drives)
Rheon Larsen / Sandra Marston-Jones - Uned Data GwE / GwE Data Unit	Data Cyfrifiad Cenedlaethol Disgyblion y Rhanbarth - CYBLD AC EOTAS (Casgliadau Blynyddol Llywodraeth Cymru) <i>Regional Pupil Census Data - PLASC and EOTAS (Welsh Government Annual Collection)</i>	Electroneg mewn cronfeydd data wedi cadw ar yrriant dioegel Cyngor Gwynedd <i>Electronic - Stored in databases on Cyngor Gwynedd</i>	Data Cyfrifiad Cenedlaethol bob disgybl ar draws y rhanbarth gan gynnwys enw, dyddiad geni, manylion AAA, tarddiad ethnig - Casgliad Blynyddol <i>Pupil census data including name, DOB, SEN details, ethnic origin. - Annual Collection</i>	Article 6(e) public task and Article 9(j) research and statistics for special category data .	Ar y ffurflenni'r Ysgolion <i>On the School application forms</i>	Neb <i>None</i>	Oes Yes	17 blwyddyn - Dros gyfnod posib addysgol y plentyn + 3 blynedd 17 Years - Possible Education period of pupil +3 years	Ar yrriant diogel Cyngor Gwynedd <i>On Cyngor Gwynedd secure drive</i>

<p>Data Presenoldeb Disgyblion y Rhanbarth (Casgliad Presenoldeb Llywodraeth Cymru) <i>Pupil Attendance Data from all 6 authorities in the region (Welsh Government Attendance Collection)</i></p>		<p><i>secure drives</i></p>	<p>Manylion Presenoldeb bod disgybl - Casgliad Blynyddol <i>Attendance marks for all pupils - Annual Collection</i></p>						
<p>Data Perfformiad Disgyblion y Rhanbarth (Casgliadau blynyddol aesiad Gwaelodlin &amp; CDC a dadansoddiadau a data CA4 a CA5 Llywodraeth Cymru) <i>Pupil Performance Data across the region (Welsh Government Baseline Assessment &amp; Nation Data Annual Collections and Key Stage 4 and 5 data and analysis)</i></p>			<p>Manylion Perfformiad bob disgybl yn y Cyfnod Sylfaen (BL2), Cyfnod Allweddol 2 (B6), Cyfnod Allweddol 3 (BL9), Cyfnod Allweddol 4 (BL11) ac yng Nghyfnod Allweddol 5 (BL13) - Casgliad Blynyddol <i>Details of all pupil performance in the Foudation Phase (Yr2), Key Stage 2 (Yr6), Key Stage 3 (Yr9), Key Stage 4 (Yr11) and in Key Stage 5 (Yr13) - Annual Collection</i></p>						
<p>Data Profion Cenedlaethol Disgyblion y Rhanbarth (Casgliad blynyddol Llywodraeth Cymru a dadansoddiad sgoriau safonedig disgyblion Llwydraeth Cymru) <i>National Test Results for all pupils across the region (Welsh Government Annual Collection and WG standardised score pupil data)</i></p>			<p>Canlyniadau Profion cenedlaethol bob disgybl ar draws y rhanbarth - Casgliad Blynyddol <i>Welsh National Test Results for all pupils across the region - Annual Collection</i></p>						