LSC Standard Data Sharing Agreement with Third Parties

15 December 2009
Part A

1 Introduction

The purpose of the agreement is to provide an agreed framework for the provision of information from the LSC to third parties. The agreement sets out what data are being shared, why the sharing is taking place and the rules under which this sharing will be allowed.

It provides a reference document for all parties as well as forming an agreement between them.

Any third party (organisation or individual) seeking any data will be asked to read and confirm their understanding by signing this agreement and agree to be bound by its conditions.

The LSC does not provide personal (including sensitive personal data) as a matter of routine, and requests for data must be fully justified.

This agreement has been written with due attention to relevant legislation including:

- The Learning and Skills Act 2000
- Data Protection Act 1998
- The Human Rights Act 1998
- Disability Discrimination Act 1995 (and amendments)
- Freedom of Information Act 2000

Whilst the LSC does not wish to hinder legitimate requests for data, the process must be stringent enough to ensure that personal data are only shared, used and retained in the circumstances that can be fully justified and meet the requirements of this agreement and the law.

1.1 Connexions Service and Apprenticeship Vacancy Matching Service Data

Sharing of data between the LSC and Connexions services specifically for the purposes of the Apprenticeship Vacancy Matching Service (AVMS) is covered in a separate agreement document, “Agreement for Sharing of Data between the LSC and Connexions Services for AVMS”. Sharing of other data should be undertaken using this agreement form.

1.2 Sharing of data between LSC and learning providers

Learning providers will be required to supply individualised learning data to the LSC, and the LSC will supply returns of that data to the respective learning provider in accordance with LSC funding agreements. If a training provider requests the LSC to provide personal data which is not part of their funding
agreement and the required data provision and processes, the learning provider will be required to complete this data sharing agreement.

1.3 Learning and Skills Council overview

The responsibilities of the LSC are defined in the Learning and Skills Act 2000. In order to carry out its statutory functions the LSC collects data from individuals and organisations, including education providers from across England, and uses this data for a variety of funding, planning and promotional activities to fulfil its statutory obligations.

The LSC makes data available to other selected organisations for the purposes of improving education and to help learners.

In some cases, the LSC is required to share the data it collects under a statutory requirement.

Whenever personal data are shared with other organisations, the LSC will always require a Data Sharing Agreement to be entered into by the data sharing partner (third party) to ensure that the personal data is properly shared, used, retained and destroyed, and all parties acknowledge their responsibilities in relation to these activities.

1.4 Personal and depersonalised information

Even where personal data such as names and addresses (and other personal markers) have been removed from a dataset, the LSC will consider where the data needs to be managed in the same way as if it is personal data, and will require that it is treated within the rules and principles of the Data Protection Act 1998.

The LSC has taken this decision because it is possible that individuals can still be identified from depersonalised data.

1.5 Annual Review

Regular users of LSC data may apply for permission to keep and use depersonalised datasets for up to one year.

Use of data supplied by the LSC after this time, will involve a new agreement with the LSC.

Specific justification for retention of the data beyond one year will be required.

2. Types of Data

For the purposes of this document there are essentially five types of data, as summarised below.

2.1 Personal Data

In the Data Protection Act 1998 personal data are defined as:

“...data which relate to a living individual who can be identified from those data, or from those data and other information which is in the possession of, or is likely to
come into the possession of, the data controller, and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual”.

Such personal data might include, but not be limited to:

- Name
- Address
- Telephone Number
- Age
- Date of Birth
- Qualifications
- Education and employment history
- A unique reference number, if that number can be linked to other information which identifies the data subject.

2.2 Sensitive Data

In the Data Protection Act, certain types of data are referred to as sensitive personal data ("sensitive data"). These are data which relate to the data subject’s:

- Racial or ethnic origin
- Political opinions
- Religious beliefs or other beliefs of a similar nature
- Trade union membership
- Physical or mental health or condition
- Sexual life
- Commission or alleged commission of any offence
- Any proceedings for any offence committed, or alleged to have been committed.

The LSC does not collect data on all of the above categories but does collect some sensitive data.

Stringent restrictions apply whenever we process sensitive personal data. Accordingly, the LSC attaches the highest importance to these data and any processing of sensitive data must only be performed in accordance with this agreement and the law.

2.3 Depersonalised data (from Personal Data)

Depersonalised data are individual records from which some of the personally identifiable fields have been removed. These fields include, but are not limited to: name, address and telephone number.

Depersonalised datasets on their own will not directly identify individuals. However the LSC believes that it is possible with much depersonalised data to match them to other data held externally, and to produce a dataset containing personal information, or to identify directly individuals from the matched data.

The LSC will therefore treat depersonalised data as personal information and give them the protections of the Data Protection Act 1998.
Due to the fact that data, when being shared, may be matched subsequently to other data and allow individuals to be identified, the LSC considers that this type of information will always be subject to the Data Protection Act 1998 and to the guidelines laid out in this document, unless there is specific agreement between the LSC and the party concerned that data are sufficiently anonymised, or will not be further matched.

2.4 Aggregated Data

Aggregated data are data which are summarised to produce a generalised or high level result. This might include data brought together to give a broad understanding of, for example, ethnicity distribution in England.

There is sometimes a slight risk that aggregated data might still allow individuals to be identified if results or analysis produce very small numbers. For example if a research table showed only one disabled person in a postcode, it would be entirely possible for some people to be able to identify that person directly. To safeguard individual's rights and to manage the LSC’s risk, aggregated data which comprise less than five individual records should not be published, disclosed or circulated unless such aggregated data cannot conceivably identify an individual.

Aggregation of datasets which include results showing fewer than five individual records in any area should not be published (in documents that may be circulated to the public or other organisations) without the permission of the LSC, regardless of whether or not this information contains personal data.

If a third party is in any doubt about publication of aggregated data, they must consult the LSC prior to publication to discuss this.

2.5 Data Not of a Personal Nature

Any data that does not fall into the category of personal data will generally not be covered by the Data Protection Act 1998. In this case, it is possible that the Freedom of Information Act 2000 will apply. Requests that are identified as not being a request for personal data will be transferred to be handled as a possible Freedom of Information Act request, and managed accordingly.

Details on the LSC and how it handles requests under the Data Protection Act 1998 and the Freedom of Information Act 2000 may be obtained by contacting the LSC Information Rights Manager (see Appendix A)

3 The Rights of the Individual

3.1 Ownership of Data

It is imperative that organisations dealing with all data understand that an individual has rights concerning their data as it is held by any organisation. The concept of “ownership” of personal data lies with the individual to whom that data relates; an organisation can only ever be a controller or processor of such data.
3.2 Rights and Freedoms

Individuals have legal rights concerning the processing and use of both their personal and sensitive data. Where these rights exist, they must be respected at all times.

Specifically, such rights of the individual (termed the “data subject” in law) can be found in sections 7 to 15 of the Data Protection Act 1998 and in the principles of the Data Protection Act 1998 in schedules 1 to 3.

Under this agreement, organisations wishing to use data controlled by the LSC should be aware of the following:

An individual

- Has the right to prevent the processing of data if it is likely to cause damage or distress
- Has the right to know who, why, when, where and how data are being processed that belongs to them
- Has the right to prevent the processing of their data for direct marketing purposes
- Has the right to issue a “Subject Access Request” to any organisation that they believe holds information about them and ask what they have and why
- Has the right to request correction or removal of inaccurate data.

The conditions listed above are not necessarily exhaustive and the principles of the Data Protection Act 1998 also apply.

Further information on how the LSC manages individual rights can be obtained by contacting the LSC Information Rights Manager.

3.2.1 Consent

Where the LSC collects personal data, it provides the individual with a Privacy (or Fair Processing) Notice. Specifically in relation to its funding of learning providers, the LSC informs learners, in a Privacy Notice, when they enrol in learning, of how it will use their data. The learner is also explicitly asked whether they wish to opt-out of the taking part in research and surveys for and on behalf of the LSC, and receiving information on further learning opportunities. The Privacy Notice currently used by the LSC for these purposes is included in Appendix B

Where learners do not wish to be contacted, the LSC and any users of LSC data will observe their wishes.

Any third party wishing to contact individuals must provide another opportunity for the individual to opt out of further contact.

Consent is not required from the individual where certain statutory duties are concerned, for example, providing information for the prevention or detection of crime.
3.3 Mortality

It is important that anyone dealing with personal and sensitive data, understands that the Data Protection Act 1998 does not cover deceased persons.

Any research or surveys using LSC information should always be done via a dataset of learners that has been checked for deceased people, to avoid unnecessary upset to the deceased’s family.

“Mortality files” are available to purchase for organisations who wish to do regular checks on their datasets, and the LSC recommends the use of these.

4. Management of Learner Data

The LSC holds detailed data on learners from a number of learning providers, including colleges, work based learning providers and other private training organisations.

On receiving learner data, the LSC processes the data into a purpose-built database, from which the management of access to the data throughout the LSC takes place.

Due to the fact that data are brought together from differing sources, and the LSC has certain duties to share elements of the data with other organisations, the LSC assumes the role of a “data controller” with respect to the Data Protection Act 1998.

At no time, upon providing personal data to third parties does the LSC cease to be a controller of such data.

4.1 Data Matching

4.1.1 Data matching is allowed only with LSC agreement

Data are provided on the understanding that it will not be matched to any other datasets, even on depersonalised or aggregated datasets, unless the LSC has agreed to this matching.

4.1.2 Who controls a matched data set?

The LSC remains a data controller of data that it has been supplied. Accordingly any new dataset generated by a third party may only be kept for the length of time agreed with the LSC. Once this time has passed, the datasets must be destroyed in accordance with principle 5 of the Data Protection Act 1998.

5 Security of Data

The security of data is far more wide ranging than this agreement can cover, including issues such as access control, storage, disposal and deletion.

International Standard ISO 27000-1 on Information Security Management is available for those organisations wishing to obtain certification for good practice.

Further information, to supplement this agreement is available from: http://www.berr.gov.uk/whatwedo/sectors/infosec/#
5.1 Data Protection Registration

Where the LSC agrees to share data with a third party which will be processing the data for its own purposes, the third party will become a data controller in relation to the shared data and the LSC will require the third party to provide details of an appropriate valid entry in the Register of Data Controllers in section B of this agreement. The Register of Data Controllers is managed by the Information Commissioner’s Office, and it is mandatory for most organisations handling data as a data controller to maintain a valid registration.

Failure by such third parties to include a valid registration number and / or be registered for the correct purposes (i.e. unless they are exempt from registration) will result in any requests being rejected. The purposes for which an organisation must be registered may vary depending on the proposed use the data, and so a definitive list cannot be provided. The Information Commissioner’s website provides more information about notification (see Appendix A)

It is a criminal offence for any organisation to process personal or sensitive data in a manner which is inconsistent with its data protection registration.

5.2 Secure processing of data obtained from the LSC

All organisations and, specifically, any third parties entering into this agreement and processing personal and sensitive data must take appropriate technical and organisational measures against unauthorised or unlawful processing of personal data, and against accidental loss, destruction or damage to personal data. These will include, but not be limited to:

- Appropriate technological security measures
- Secure physical storage and management of non-electronic data
- Password protected computer systems
- Restricted access to data and taking reasonable steps to ensure the reliability of employees who have access to data
- Appropriate security on external routes into the organisation for example, Internet firewalls and secure dial-in facilities.

5.3 Confidentiality of Data

Confidentiality of data is expected at all times, and the further sharing of data with other organisations is strictly prohibited, unless agreed in writing with the LSC.

Formal requests for further sharing of data should be made to the Data Service (See Appendix A)
5.4 Secure retention and deletion of data

The Data Protection Act 1998 states that data may only be kept for as long as necessary.

5.4.1 Retention and Annual Review of Agreements

The LSC recognises that third parties may wish to keep data to use again in the near future. These parties may request permission, using this protocol, to keep data for specified purposes in anticipation of further use.

This permission must be renewed annually and each time a new project or use is undertaken. At the end of the specified time period, the data must be deleted unless further agreement is given. Specific justification for retention of the data for periods beyond one year must be provided.

5.4.2 Destruction of data

Once the data have been used for the purposes for which they were required, the data should be deleted, using appropriate software where necessary, unless there is an agreement with the LSC that the data may be retained for longer. The LSC requires third parties to delete data securely to a standard that accords with the protective marking that applies to the data. Technical guidance for deletion of data is provided by CESG (see Appendix A).

5.4.3 Data and potential data losses

The LSC requires the third party to advise the LSC of any potential or actual losses of the shared data as soon as possible in order that the LSC can consider what further action is required in relation to such an incident.

The LSC requires any third party processing data on behalf of the LSC to notify it as soon as possible of any breaches of security which might potentially give rise to a risk to the security of the data shared.

5.4.4 Rights to inspection and withdrawal of data sharing

The LSC reserves its rights under contract with a third party, or between third parties processing data on behalf of the LSC to inspect arrangements for the processing of the shared data and withdraw agreement to the shared data where it considers a third party is not processing the data in accordance with this agreement.

6 Control of Data

This section deals with the legal distinction between data controllers and data processors as defined by the Data Protection Act 1998.

6.1 Data Controllers

A data controller is a person or organisation that either alone or jointly with another controller, determines the purposes for which and the manner in which any personal data are processed.
6.1.1 LSC as Data Controller
The LSC is the data controller of any data it provides and remains so. This means the LSC is permanently responsible for the data it provides.

At no time upon providing third parties with personal data does the LSC cease to be a controller of that data.

It is possible that in law, the LSC and the third party become joint data controllers, in which case all decisions on how those data are to be processed will be made between the LSC and the third party.

6.1.2 Third Parties as Data Controllers
Where the third party seeks sharing of data by the LSC for the third party’s own purposes (for example, where the third party requires the data to fulfil its own statutory remit), the third party becomes a data controller of that data.

6.2 Data Processors
A data processor is any person or organisation that processes data on behalf of a data controller. A data processor can only act on the instructions of the data controller or controllers.

6.2.1 Third Parties as Data Processors
When a third party requires data from the LSC or is required to gather data on behalf of the LSC, for purposes determined by the LSC (for example, where the LSC is contracting with the third party to undertake a survey of learners on the LSC’s behalf), the third party enters into this agreement as a data processor in respect of such data, and agrees to process data solely according to LSC instructions as set out in the agreement.

6.3 Commissions of Work
Any third party using LSC data to produce work for another party must still only process LSC data as a processor and in accordance with any agreements made with the LSC.

6.4 Creating a Dataset
If data are combined and LSC data is matched with information from other sources to create a new dataset, there is still a requirement to seek LSC permission to match the data and then use and process it in any way.

6.5 Data Sharing Agreement
The LSC must have written agreements with anyone processing its data. This protocol, when signed and completed, forms such an agreement.

Any time data is to be used for a new purpose, a new Part B needs to be completed and permission granted.

This is necessary to enable the LSC, as a data controller, to ensure it continues to share the data in accordance with its obligations under the Data Protection Act 1998, including ensuring that the processing continues to be fair and legal, and in accordance with the privacy notice.
6.6 External Consultants/Contractors
External consultants/contractors are data processors.

The LSC recognises that organisations may use further external contractors or consultants to process the data (for example, undertake analysis). Where access to LSC shared data is provided, written contractual conditions must regulate how the data are used and what they are used for in accordance with this agreement.

As a minimum, these conditions shall require that the contractor/consultant:

- Agrees only to process personal and sensitive data in accordance with the disclosing organisation's instructions
- Takes appropriate technical and organisational measures to keep data secure
- Agrees to delete the data by the agreed date, or when the use is fulfilled.
- Notifies the third party organisation that has engaged them for processing of any potential or actual breach of security in relation to the shared data as soon as possible.
- accept that they are a Data Processor only in regard to LSC data. They must agree that data will be kept confidential and not be disclosed to any other parties.

7 Data Sharing Obligations
The Data Protection Act 1998 imposes obligations and restrictions on the way the LSC and its partner’s process personal data.

7.1 Fair Processing
Any use of LSC data and any data sharing must be covered by the relevant LSC Privacy Notice, which tells the data subject (for example, learners) for their data may be processed.

Whilst a Privacy Notice is broad and general, and cannot cover all specific uses of data, any proposed use must fit within the broad purposes declared in the statement, given a reasonable interpretation and what the learner may understand to be “reasonably foreseeable”.

7.2 Who may see Personal Data?
Section 7 of the Data Protection Act 1998 gives individuals a right to know who will see their personal data. In practice the LSC fulfils this obligation in two ways.

- It names its major data partners in the fair processing statement
- It provides an extensive list of data partners on its website with a brief explanation of what they do.

7.3 Subject Access Rights
Individuals have a right to see what data are held about them, and to know why and how it is processed.

The LSC as a data controller has an obligation to respond to these requests, however requests made of a third party should be honoured by them under the
7.4 Prohibited Uses
The LSC will not share data with third parties for the following purposes, except where there is a statutory duty to do so.

7.4.1 Commercial Advantage
If the provision of request data appears to favour one organisation over others, then the data may either be refused, or provided on the condition that the same information will be made available to those other organisations that may be adversely affected.

7.4.2 Unauthorised Purposes
The LSC will not share data for uses incompatible with the purposes in a Privacy Notice. This includes, but is not limited to.

- Speculative Investigations – where organisations wish to trawl for names and information without proper cause or purpose
- Snooping – where organisations wish to act on merely a suspicion of information that might be of use to them, with no other justification.

7.4.3 Data Export Restrictions
The Data Protection Act 1998 (8th Principle) bans the transfer of personal data to a country or a territory outside of the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of the data subjects in relation to the processing of their personal data.

When the LSC gathers personal data from an individual such as a learner, it does not inform them that their data will be transferred outside of the European Economic Area. When the LSC shares data under this data sharing agreement, the requester agrees that no data will be transferred outside of the European Economic Area, unless the LSC explicitly agrees to the transfer.

8 Process for Requesting Data
All requests for data from the LSC databases must be made in writing, and under the terms and conditions of this agreement, unless there is a statutory duty for the LSC to provide the data.

It must be noted that except where there is a defined statutory requirement, the LSC is under no obligation to share any data with third parties.

In considering any request for data the LSC will take into account the use to which the data are to be put. The LSC has the right to refuse to share data with third parties and refusal does not have to be explained.

8.1 Signed Documents
A signed hard copy of Appendix C of this agreement, fully completed, should be submitted to the Data Service team (see appendix A), before data will be issued.
8.2 Annual Review
A request for data may be made for a single purpose or multiple uses of the same data over a period of time. Any agreement for multiple uses will run for a maximum of twelve months and then be subject to review and renewal of the agreement.

During the twelve month period, third parties must inform the LSC of new purposes and obtain agreement to use the data for these purposes.

8.3 No Routine Issue of Data
Data requests are the responsibility of the requestor and all requests made of the LSC for data are considered on their own merits. The LSC does not send out new datasets as a matter of course to third party organisations. Each dataset has to be requested from the LSC at a time when those data are available.

8.4 Justifying a Request for Data
It is important that any request for access to data is accompanied by a detailed explanation of what the data are to be used for. All requests for access to data of a personal or sensitive nature must be fully justified.

8.5 LSC Process for Consideration
The LSC will consider a request for data in light of the use to which the data are to be put and the suitability of the data elements requested for that use. LSC staff may contact applicants for further information or to discuss the data elements requested.

No timescale for processing each application can be given; each request will be dealt with on its own merits. The more detailed the information provided in the application, the more quickly each request can usually be processed.

Refusals are final, except for requests made under the Data Protection Act 1998, the Freedom of Information Act 2000, or other relevant legislation. Appeals will be heard initially by the LSC under its complaints procedure.

8.6 How Data will be Supplied – Type and Media
The LSC will provide data on a pass phrase protected, encrypted CD/DVD. At present, data are issued in either DBF (database format) or SPSS (Statistical Package for the Social Sciences) format.

9 Conditions of Data Supply
Personal data held by the LSC may only be supplied subject to the following conditions.
- Personal data must not be released or sold for commercial purposes
- Personal data must not be shared with other organisations or individuals without the prior written consent of the LSC. This includes consultants, contractors, sub-contractors and other agencies
- In the analysis of data, groups identified as having fewer than five individuals should not be published, except with the prior written consent of the LSC.
• In accordance with the fifth data protection principle, data shall only be processed (including stored) for the purpose(s) for which the request has been made, and must be deleted once this purpose has been fulfilled.
• Users of personal data provided by the LSC must have in place policies, security and data protection measures commensurate with the Data Protection Act 1998 and other relevant legislation.
• The LSC reserves the right to audit the data supplied to organisations in order to satisfy itself that data are being managed in accordance with this protocol and the law.
• Data which may provide the requestor with commercial advantage may be either refused, or provided on the condition that other organisations that may be affected by the release of these data are also provided with the information.
• Data will not be transferred outside of the European Economic Area unless explicitly agreed by the LSC.

10 Changes to Data Sharing Agreements
Periodic reviews will take place of data sharing agreements. The agreements are available from the LSC web site at:

Part B – Data Request Form

Completion of request form instructions

The following form is to be used to request access to data held and managed by the Learning and Skills Council.

Please complete all relevant sections of this form.

If you are requesting Individualised Learner Record (ILR) data, the fields required should be taken from the relevant year’s ILR manual which is available at:

http://www.lsc.gov.uk/providers/Data/Datacollection/ILR/

or from the data definitions page which is available at:

http://www.lsc.gov.uk/providers/Data/Datadictionary/

If you are requesting Staff Individualised Record (SIR) data, the fields required should be taken from the relevant year’s SIR manual which is available at


If you are requesting data that are neither the ILR nor SIR, please be as precise as possible as to the data required.

Data requests are normally turned around within 10 working days of a protocol having been received and being confirmed as valid (i.e. containing no outstanding queries or omissions).

Please note that this may vary at peak times and is also dependant on the volume of data requests already in progress.
## Data Request form – Section 1: requester details

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Please provide below the names of individuals in your organisation who are duly authorised by your organisation to process the data

| **Name(s):** |          |

Are you processing the data for another organisation?  

| YES | NO |

If YES, who are you working for?

|          |

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Please send all completed requests to your local LSC team or, where a national request is being made, to the Data and MI Team, Data Service at LSC National Office (see Appendix A):

**INSERT ADDRESS here**
Data Request form – Section 2: requester capacity and compliance

Please complete the following section, identifying the capacity in which the request is being made

On behalf of the organisation specified in Section 1, I hereby apply for access to the data held by the Learning and Skills Council (LSC), specified below. Our organisation agrees to be bound by the terms of the “LSC Standard Data Sharing Agreement with Third Parties” *(Please tick one box only)*

1. Data requested on a statutory basis:

   I confirm that our organisation is requesting personal data on a **statutory basis**, for our own purposes stated below. I accept that our organisation will become a Data Controller of this data, alongside the LSC.

2. Data requested for own purpose(s) (not on a statutory basis).

   I confirm our organisation is requesting personal data for our own purposes stated below, that the data is confidential, and may only be processed by our organisation as a Data Controller with the consent of the LSC.

3. Data processed on behalf of the LSC:

   I confirm that our organisation is processing personal data shared by or collected for or on behalf of the LSC for the purposes stated below. As a Data Processor, we will be acting only on the instruction of the LSC (the Data Controller) when processing the data. We accept that data is confidential.

4. “Subsidiary” processing (for example, where the LSC instructs an organisation to undertake processing of its data, and that organisation sub-contracts processing to another party).

   I confirm that our organisation is processing personal data shared by or collected for or on behalf of the LSC for the purposes stated below, and as a Data Processor, we will be acting within the instruction of the LSC (the Data Controller) when processing the data. We accept that the data is confidential.
Data Request form – Section 2: continued

### Data requested on a statutory basis
Where Box 1 above has been selected (data requested on a statutory basis),
a. please state below the statute and section that confer a legal right or obligation on
your organisation (or part of your organisation) to undertake work requiring this
request for data.

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b. please state the relevant condition(s) under Schedule 2 or 3 of the Data Protection
Act 1998, which provides statutory justification for the LSC to provide the data to your organisation

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### Data Controller Registration
Where either Box 1 or 2 above has been selected above, please complete the Data Protection Registration details for you as a Data Controller. If you are exempt from registration with the Information Commissioner as a Data Controller, please provide an explanation. Your registration must have at least one month to run before it expires.

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<th>Reason for exemption from registration</th>
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I declare that our organisation has given notification to the Information Commissioner and registered the purposes for which the organisation may process data, that the registration is up-to-date and complete, and that the agreed processing set out below falls within the terms of the notification / registration.

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Data Request form – Section 3: purpose of processing

Please provide all of the purposes and full justification for the proposed processing of data. This must also include details of matching, and any methods of proposed contact with individuals identified in the data. Please continue onto further sheets if necessary. You need to supply both a technical specification of what you are doing, so that we can decide if the data is adequate for the purpose, and a plain english description of what you are using the data for so anyone can understand how personal data is being processed.

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If you are already in contact with the LSC regarding this data request, please provide the name, office location of the individuals, and their contact details. This will enable us to deal with your request more efficiently:

| ………………………………………………………………………………………………………………………… |
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## Data Request form – Section 4: Data requirements

Complete this section to specify the data required. Connexions should refer to Appendix C for further information.

<table>
<thead>
<tr>
<th>Year / Timeframe</th>
<th>Funding stream</th>
<th>Data set required</th>
</tr>
</thead>
<tbody>
<tr>
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</tbody>
</table>

Please select data delivery format: DBF SPSS

Do you require data subject contact details? (If YES, please complete section 5)

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
</table>

Is matching proposed? (If YES, please provide details in section 3)

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
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</table>

Are you planning to contact the data subjects? (If YES, please provide details in section 3)

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
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</thead>
</table>

Will you be passing the data onto other parties (contractors, agencies, partners etc)? (If YES, please provide details of the other parties in section 6)

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
</table>

By what date will the data be deleted and any discs destroyed?

| DD / MM / CCYY |
Data Request form – Section 5: “Named Data” requirements

Only fill in this section if you are asking for learner names or contact details. Users requesting the standard dataset do not need to fill in this section. A link to field definitions is found at the beginning of Part B. Appendix C provides further details for Connexions.

<table>
<thead>
<tr>
<th>Data Field Required</th>
<th>Description</th>
<th>Why do you need this field? How will you process it?</th>
</tr>
</thead>
<tbody>
<tr>
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</tbody>
</table>
Data Request form – Section 6: Contact details

Please enter details of any other parties who will receive the data (contractors, agents, partnerships etc). Unless you are a recipient of LSC data as a Data Controller, they too will need to sign this protocol. Where the data is to be shared with more than one Data Controller, all Data Controllers must complete this agreement.

Other Organisation 1:
Address: 
Contact Name: 
Contact Telephone: 
Reason: 
Contact Email: 

Other Organisation 2:
Address: 
Contact Name: 
Contact Telephone: 
Reason: 
Contact Email: 

Other Organisation 3:
Address: 
Contact Name: 
Contact Telephone: 
Reason: 
Contact Email: 

Other Organisation 4:
Address: 
Contact Name: 
Contact Telephone: 
Reason: 
Contact Email: 

Other Organisation 5:
Address: 
Contact Name: 
Contact Telephone: 
Reason: 
Contact Email: 

LSC Standard Data Sharing Agreement with Third Parties
15 December 2009
Checklist of requirements

This section is here to enable you to check that you are fully aware of the conditions imposed by both the law and this protocol agreement.

<table>
<thead>
<tr>
<th>a) Purpose: Why do you want the data?</th>
</tr>
</thead>
<tbody>
<tr>
<td>All requested data should be fully justified and required for the purpose for which it is being requested. Data not required should not be requested.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>b) Suitability: In technical terms, what are you trying to achieve?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Are you requesting the correct data for what you are trying to do?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>c) Are data going to be matched, analysed or used for surveys?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consider what information you have requested and why it is required for this work. Remember such things as matching to mortality files, results of less than 5 individuals and providing a further opt-out opportunity.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>d) Who will see the data?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal and sensitive data should be held and processed in a secure environment, with only those people who need access being given that access.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>e) Contractors / consultants</th>
</tr>
</thead>
<tbody>
<tr>
<td>Are you using external resource that will have access to personal and sensitive data? Ensure that they sign suitable confidentiality agreements and that data are processed and stored only in suitable environments.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>f) Geographical units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Small geographical units pose a particular problem. Even if names have been removed from data, individuals may be identified by someone with local knowledge using clues such as gender, disability and ethnicity. If you are using postcodes, could you use larger geographical areas?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>g) Have you already had contact with the LSC about this request? If so, which office?</th>
</tr>
</thead>
<tbody>
<tr>
<td>If you have already spoken to another office about these data, then please let us know so that we can ensure continuity.</td>
</tr>
</tbody>
</table>
### h) How will you keep the data safe?
Do you have proper access controls in place for computers?
Are any paper files where information is held locked away and accessible only by those authorised to do so?
Are files properly backed up and tested regularly?

### i) Who has responsibility for Data Protection matters in your organisation?
Have they been consulted about the requested processing of data?

### j) Policy
Do you have a Data Protection Policy that is accessible by all staff so that your organisation is fully aware of its obligations in this area?

### k) Training
Have staff been appropriately trained in data protection and other relevant areas? If not, consider training in this area as an investment in staff development.
Appendix A – Contacts and Responsibilities

Learning and Skills Council, Data Protection:

Responsible for LSC data protection matters

Information Rights Manager
Learning and Skills Council
Cheylesmore House
Quinton Road
Coventry CV1 2WT

dataprotectionqueries@lsc.gov.uk

Data and MI Team, Data Service

Responsible for producing LSC shared data

Data and MI Team (Data Request)
Analysis & Management Information
National Learning and Skills Council
Cheylesmore House
Quinton Road
Coventry CV1 2WT

servicedesk@thedataservice.org.uk

Information Commissioners Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

Tel: 08456 30 60 60 or 01625 54 57 45
Fax: 01625 524510

www.ico.gov.uk

CESG
Room A2j
Hubble Road
Cheltenham
Gloucestershire
GL51 0EX

Telephone: 01242 709141
Fax: 01242 709193
General enquiries email: enquiries@cesg.gsi.gov.uk
Appendix B – Privacy Notice (Fair Processing Statement)

When the LSC collects personal data from individuals it provides a Privacy Notice (Fair Processing Statement) to help explain to the individual what data is being collected and why, and who is likely to be processing (storing and using) the data. Privacy Notices are reviewed by the LSC in seeking to ensure that individuals are fairly informed.

This text below* features is the Privacy Notice issued by the Learning and Skills Council to providers for the purposes of collection of learner data at enrolment. It should therefore appear on enrolment forms, for any learner whose data will be passed to the LSC.

Data Protection Act 1998 – The information you provide on this form will be passed to the Learning and Skills Council (the LSC). The LSC is responsible for funding and planning and encouraging education and training for over 16-year-olds in England, and is registered under the Data Protection Act 1998. The information you provide will be shared with other organisations for the purpose of administration, careers and other guidance and statistical and research purposes. Other organisations with which we will share information include, the Department for Business, Innovation and Skills, Department for Children, Schools and Families, Local Authorities, Connexions, Higher Education Statistics Agency, Higher Education Funding Council for England, educational institutions and organisations performing research and statistical work on behalf of the LSC or its partners.

The LSC is also a co-financing organisation and uses European Social Funds from the European Union to directly or indirectly part-finance learning activities, helping develop employment by promoting employability, business spirit and equal opportunities, and investing in human resources. Further information about partner organisations and what they do may be found at [http://www.lsc.gov.uk/providers/Data/help/dataprotection/DataSharing.htm](http://www.lsc.gov.uk/providers/Data/help/dataprotection/DataSharing.htm).

At no time will your personal information be passed to organisations for marketing or sales purposes.

Continued …

Privacy Notice continued …

From time to time students are approached to take part in surveys by mail and phone, which are aimed at enabling the LSC and its partners to monitor performance, improve quality and plan future provision.

Tick this box if you do not wish to be contacted by the LSC or its partners in
respect of surveys and research.

The LSC values your views on the education or training which you receive, and will use these to help bring about improvements for learners aged over 16 in England.

The LSC or its partners may wish to contact you from time to time about courses, or learning opportunities relevant to you.

Please tick here if you do not wish to be contacted about courses or learning opportunities by post.
Appendix C – Defined National Dataset for Sharing with Connexions (non-AVMS)

A standard top-level dataset has been defined, which will be provided to Connexions Partnerships, and has been agreed as the minimum data requirements that Connexions must have in order to provide the levels of service expected of it.

The dataset will include the following elements:

<table>
<thead>
<tr>
<th>Data Required</th>
<th>LSC Field Code</th>
<th>Field Length</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surname</td>
<td>L09</td>
<td>20</td>
</tr>
<tr>
<td>Forename(s)</td>
<td>L10</td>
<td>40</td>
</tr>
<tr>
<td>Date of Birth</td>
<td>L11</td>
<td>8</td>
</tr>
<tr>
<td>Address line 1</td>
<td>L18</td>
<td>30</td>
</tr>
<tr>
<td>Address line 2</td>
<td>L19</td>
<td>30</td>
</tr>
<tr>
<td>Address line 3</td>
<td>L20</td>
<td>30</td>
</tr>
<tr>
<td>Address line 4</td>
<td>L21</td>
<td>30</td>
</tr>
<tr>
<td>Current Postcode</td>
<td>L22</td>
<td>8</td>
</tr>
<tr>
<td>Home Postcode</td>
<td>L17</td>
<td>8</td>
</tr>
<tr>
<td>Phone Number</td>
<td>L23</td>
<td>15</td>
</tr>
<tr>
<td>Gender</td>
<td>L13</td>
<td>1</td>
</tr>
<tr>
<td>Ethnic Origin</td>
<td>L12</td>
<td>2</td>
</tr>
<tr>
<td>Learning Difficulties and/or disabilities and/or health problems.</td>
<td>L14</td>
<td>1</td>
</tr>
<tr>
<td>Disability</td>
<td>L15</td>
<td>2</td>
</tr>
<tr>
<td>Learning Difficulty</td>
<td>L16</td>
<td>2</td>
</tr>
<tr>
<td>Additional Support</td>
<td>L29</td>
<td>2</td>
</tr>
<tr>
<td>Additional Learning Needs</td>
<td>A53</td>
<td>2</td>
</tr>
<tr>
<td>Learner status on last working day before learning</td>
<td>L36</td>
<td>2</td>
</tr>
<tr>
<td>Employment status on first day of learning</td>
<td>L37</td>
<td>2</td>
</tr>
<tr>
<td>Employment status on last day of learning</td>
<td>L38</td>
<td>2</td>
</tr>
<tr>
<td>Prior attainment level</td>
<td>L35</td>
<td>2</td>
</tr>
<tr>
<td>Restricted Use Indicator</td>
<td>L27</td>
<td>1</td>
</tr>
<tr>
<td>Destination</td>
<td>L39</td>
<td>2</td>
</tr>
</tbody>
</table>

Each of these elements maps to a corresponding field in the LSC Individual Learner (ILR) Specification, whilst the specification is changed each year to reflect new developments and new methods of working, the above “LSC field codes” are taken from the Specification for the 2003/2004 educational year.

It is important that in interpreting the values of any of the above fields the processor uses the current ILR specification. This specification is reviewed and amended on an annual basis.

The current ILR Specification may be found on the LSC web site at