

February 28, 2017

Dear Members of the Star Chamber,

We have asked the Department for Education to pass letters to you, via the contact email address starchamber.mailbox@education.gsi.gov.uk. but this is by hand, due to the document weight.

We received an unsigned reply to our previous letters from August and September. Unfortunately none of our questions were answered, which we feel the public and professional teaching staff deserve.

We enclose the original MoU between the DfE and Home Office [updated version was signed off on October 14, 2016]. showing that when you approved the change, the MoU nationality data was to be given to the Border Force team. This was in place until after the autumn census on-roll collection day. We still await the meeting minutes of your discussions from November 2015, at which Nick Gibb has said you “approved the collection of country of birth data via the school census in November 2015.”¹

In that same reply, the Minister said, “*The data will be collected solely for the Department’s internal use for the analytical, statistical and research purposes*” and “*There are currently no plans to share the data with other government departments unless we are legally required to do so.*” The MOU is not a legal requirement, as clause 1.7 confirms. The MoU was in place to share the data, when he wrote that in July 2016.

We bring to your attention continued concerns from schools, parents and leading rights’ organisations about the harm coming from this poor collection, from the Immigration Enforcement that the data is used for, and whether the collection and their data usage meet requirements of Data Protection law. You should be aware that by permitting direct interventions from the use of the database with individuals, likely to cause harm or distress, the research exemptions under the Data Protection Act are in jeopardy, and that puts the continued indefinite retention of pupil data into question. If this Home Office continues, we will consider calling for all pupils’ data who have left school, to be deleted.

We would like to ask for your support to clarify some of these questions, and indeed if you share any of these concerns, to ask the Department for Education to end the collection before the summer census May 18, 2017.

- Were you informed the Home Office² and police have access to children’s data from the National Pupil Database and if not, would this have influenced the questions you asked about collecting country-of-birth?
- Are you aware of the uses of the confidential and sensitive identifiable data of individual pupils by third parties, handed out from the National Pupil Database, such as to national newspaper³ and TV journalists⁴, charities and commercial businesses? Are you confident these users will use new, sensitive data wisely?
- What privacy considerations and due diligence you were given to help you making your decision, that this national data expansion meets Data Protection regulations⁵ and Human Rights law?
- The key concern is that this change appears an attempt to extend the boundaries of policing immigration to the school workforce, and to reintroduce the immigration checks and barring entry to education for new arrivals, reportedly vetoed in 2013 under the Coalition.⁶ Did your group obtain express guarantees that this is not the purpose of the collection and who will be accountable for potential changes of use in future?

We are happy to answer questions or discuss on request.

Sincerely,
Jen Persson
coordinator, defenddigitalme
07510 889833
jen@defenddigitalme.com

¹ <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2016-07-14/42842/>

² <http://defenddigitalme.com/2016/08/home-office-and-police-have-accessed-data-from-the-national-pupil-database/>

³ <https://www.whatdotheyknow.com/request/293030/response/723407/attach/5/The%20Times.pdf>

⁴ <https://www.whatdotheyknow.com/request/293030/response/723407/attach/10/BBC%20Newsnight.pdf>

⁵ <http://defenddigitalme.com/call-to-review-relevant-legislation/>

⁶ <http://www.theguardian.com/politics/2013/may/22/immigrant-status-checks-on-schoolchildren-vetoed> and <http://www.bbc.co.uk/news/uk-politics-38165395>