

NFER Online Hub – Privacy Notice

1 Why are we collecting this data?

The NFER Online Hub allows Schools that have purchased NFER Tests to use the NFER Tests Analysis Tool to collate pupil and assessment data for the purpose of analysing test results and viewing reports. Where Schools use the NFER Tests Analysis Tool for this purpose they are the data controller and are responsible for data uploaded to the service. Schools should ensure that they follow the requirements of data protection legislation (UK GDPR and the Data Protection Act 2018) and provide appropriate privacy information to staff, pupils and their parents and guardians to explain its use. NFER is the data processor in such arrangement.

NFER acts as the School's processor when it processes the School's personal data for the following purposes:

- To create and administer School user accounts.
- To provide the NFER Online Hub, and the NFER Tests Analysis Tool:
 - Any data uploaded to the NFER Online Hub is at the discretion of the School.
 - The School is responsible for the creation of any additional user accounts required including provision of relevant user data (as defined below). The School can also suspend, delete, and modify users' accounts.
 - The School is responsible for adding pupil data (as defined below). Schools must have the appropriate permissions in place before uploading any sensitive data to the Online Hub in accordance with data protection legislation.
 - In anticipation of continued use of this service by the School, "user data" and "pupil data" will be stored securely to allow progress measures to be shown. If a School's account is inactive for 12 months, it will be prompted to review any data uploaded to the hub. If the School no longer intends to use the hub and informs NFER, its account will be deleted by NFER 45 days after this point in time. Retention of data extracted from the Tool for research purposes is covered in section 7 below.

User and pupil personal data collected in relation to the use of the NFER Tests Analysis Tool is processed by NFER for the following purposes, for which NFER acts as a data controller:

Promoting NFER's research and products

- to inform the School about related NFER research projects, products and services for sales and marketing purposes

Research and assessment improvement

- For NFER’s own research to inform education policy and practice for the public good. For example, analysis of pupil data to allow reporting of education standards and attainment year on year, attainment gaps across the country, and the impact of Government or local education policies. This supports NFER’s charitable aims, details of which are available on NFER’s website here. Pupils’ personal data will be used to allow matching to data held in the National Pupil Database (or other administrative datasets), where necessary for the relevant research.¹

On completion of a piece of research, NFER may deposit the dataset in the UK Data Archive (managed by UK Data Service) or for the Education Endowment Fund (EEF) Data Archive (managed by FFT Education). This supports NFER’s commitment to open science and methodological developments. Any deposited pupil data would have been pseudonymised with names and unique pupil numbers replaced by another numeric identifier. School identifiers would be included.

- For NFER’s own research to support the development and improvement of NFER’s research and assessment tools.
- If the School has agreed, NFER will also extract some historical data from the NFER Online Hub so NFER can undertake research looking at a wider data set, which in particular looks at the learning loss associated with the Covid-19 pandemic, or to analyse the types of questions children commonly get wrong historically across all schools to help inform teaching and the curriculum.
- To inform the School about published research based on data extracted from the Test Analysis Tool.

¹ The National Pupil Database (NPD) is a collection of data relating to education in England compiled by the Department for Education (DfE). The NPD is used by the Department for Education to inform policy and approved users can apply for extracts of it “for the purpose of promoting the education or wellbeing of children in England”. If an application is approved, pupil data extracted from the tool is shared with the NPD team and matched to the requested datasets. The NPD team then send the matched set to the Office for National Statistics (ONS) (Secure Research Service) where NFER’s approved researchers perform their analysis. Prior to exporting the outputs of this analysis, it is checked to ensure that no individual pupil can be identified in the output. Neither the DfE’s NPD team nor ONS hold any pupil data uploaded by NFER for future use. Further information about this process is available: <https://www.gov.uk/guidance/data-protection-how-we-collect-and-share-research-data>.

2 What is the legal basis for processing activities?

NFER relies on the following legal basis for the different activities it undertakes when processing personal data.

Legal basis when NFER is data controller

To fulfil orders for its tests placed by schools we process user data (defined below)	UK GDPR Article 6 (1) (b) Performance of a contract
To inform the School about related NFER research projects and their outputs and other NFER products and services for which we process user data	UK GDPR Article 6 (1) (f) – legitimate interest NFER has carried out a legitimate interest assessment; sharing information about related research fulfills one of NFER’s core business purposes (developing research products and services to improve learning outcomes). Sharing research outputs has wider societal benefits as it contribute to improving teaching practice. Personal data is required to share the research outputs, but processing does not override the data subject’s interests. To mitigate the risks to the rights and freedoms of the individual data subjects, as far as possible, NFER has put in place the technical and organisational measures set out in this privacy notice.
To carry out its own research which informs policy and practice for the public good including research on historical data which looks at the learning loss associated with the Covid-19 pandemic, or to analyse the types of questions children commonly get wrong historically across all schools to help inform teaching and the development of the curriculum for which we process pupil data (defined below)	UK GDPR Article 6 (1) (f) legitimate interest NFER has carried out a legitimate interest assessment. The research fulfils one of NFER’s core business purposes (undertaking research, evaluation, and information activities). It has broader societal benefits as the output of the research will contribute to a strong evidence base and help to improve the lives of learners. The research cannot be done without processing personal data, but processing does not override the data subject’s interests. To mitigate the risks to the rights and freedoms of the individual data subjects, as far as possible, NFER has put in place the technical and organisational measures set out in this privacy notice.

<p>To support development and improvement of NFER’s assessments and research tools for which we process pupil data [and user data]</p>	<p>UK GDPR Article 6 (1) (f) legitimate interest</p> <p>NFER has carried out a legitimate interest assessment. The research fulfils one of NFER’s core business purposes (developing, trialling, and delivering assessments). It has broader societal benefits as it will help maintain the accuracy and rigor of NFER tests. The research cannot be done without processing personal data, but processing does not override the data subject’s interests. To mitigate the risks to the rights and freedoms of the individual data subjects as far as possible, NFER has put in place the technical and organisational measures set out in this privacy notice.</p>
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If NFER’s research includes processing of special category personal data, NFER relies on GDPR Article 9 (2) (j) which states:

Archiving, research and statistics (with a basis in law): processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) (as supplemented by section 19 of the 2018 Act) based on domestic law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

The research should not cause damage or distress to the data subjects. Its outcomes will drive decision making across the education sector, and will not result in the creation of measures or decisions being made about any particular pupil.

Legal basis where schools are the data controller

Where Schools use the NFER Tests Analysis Tool to collate pupil and assessment data for the purpose of analysing test results and viewing reports they are the controller and are responsible for data uploaded to the service and for the identification of a legal basis.

Depending on the categories of personal data uploaded they will need to identify the legal basis for the processing of both general and special category personal data.

This legal basis and any conditions of processing special category personal data will be covered in the privacy information they provide.

3 What personal data is being collected?

Account creation

To create user accounts: the name (forename and surname), role, email address of members of staff are used. We refer to this as “user data”.

School use of the NFER Online Hub

Pupil name, date of birth, class, unique pupil number (UPN) and gender are required fields. Schools can choose how much additional pupil data (for example, free-school meal status, any special education provision and ethnicity) they upload alongside pupil assessment outcomes. We refer to this as “pupil data”.

NFER research

NFER will take, at least, an annual extract of pupil data from the NFER Online Hub to allow it to undertake its own research and assessment improvement activities. It will extract all pupil data uploaded by the School.

Additional information (background characteristics for example) will be requested from the National Pupil Database or other administrative datasets, and matched¹ against the pupil data uploaded by the School.

4 How will personal data be obtained?

For the use of the NFER Tests Analysis Tool by Schools:

- NFER collects the name and contact details of the first person at the School to place an order when they create the first user account for that School. That person is then able to create other School staff accounts, at which point NFER will collect those staff user’s names, and contact details. We refer to this data as “**user data**”.
- Pupil data and assessment outcomes is uploaded by Schools (we refer to this as “**pupil data**”).

For NFER’s research and assessment improvement purposes NFER will take at least an annual extract of pupil data from the NFER Tests Analysis Tool. In most cases, additional information (background characteristics) about pupils will be obtained from the National Pupil Database or other administrative datasets.

5 Who will personal data be shared with?

To carry out its own research, in most cases, pupil data will be matched to the National Pupil Data base¹. Once the research activity for this matching is complete, nothing is held by DfE or the Office of National Statistics for their future use. NFER may also want to match pupil data to other administrative datasets (such as the School Workforce Census and the Longitudinal Education Outcomes both controlled by the DfE) in the education and labour market to support NFER’s work in answering important policy and practice questions.

Pupil data will not be shared with any other third parties.

NFER will host the data on servers within the UK (NFER’s servers are operated currently by NFER’s service provider, Dudobi).

6 Is personal data being transferred outside of the UK or European Economic Areas (EEA)?

No personal data is stored or transferred to any organisation outside of the UK or EEA.

7 How long will personal data be retained?

Schools can delete some or all the personal data stored in the NFER Online Hub via the NFER Online Hub whenever they wish to do so.

After 12 months of inactivity, Schools will be prompted to review any data they have uploaded to the hub. If, at that point, the School no longer intends to use the system and informs NFER, the data stored in the NFER Online Hub will be deleted by NFER 45 days after NFER is informed. User accounts would also be made inactive at this time.

Any data that NFER has extracted for its research and assessment improvement purposes will be kept for 25 years to allow us to look at how outcomes during primary education compare with outcomes in later life. Any pupil data which is shared with NPD or other administrative database for matching purposes is not retained by the DfE or ONS once the matching and analysis is complete.

8 Security measures

NFER has been certified to ISO27001 (GB17/872763) the internal standard for information security and holds Cyber Essentials Plus (IASME-CEP-004922). NFER operates Microsoft Windows Operating Systems and industry standard enterprise software such as databases and email, all managed to recognised industry standards with a full patching regime. All NFER laptops and mobile storage devices are encrypted and accessed with PIN-codes and strong passwords. Annual penetration tests are carried out by a CHECK-accredited supplier and remediation undertaken. We use a replicated disaster recovery service (RDRS) which allows the business to continue to

operate in the event of failure. Any personal data which is shared with us is transferred using our secure portal and is encrypted in transit (HTTPS and TLS 1.2).

9 What are the rights with respect to personal data?

Data protection legislation gives certain rights to data subjects, under certain circumstances they have the right:

- to request access to information that is held about them (a data subject access request).
- to have personal data rectified if it is inaccurate or incomplete.
- to request the deletion or removal of personal data where there is no compelling reason for its continued processing.
- to restrict processing of personal data (for example, permitting its storage but no further processing).
- to object to processing
- to data portability
- not to be subject to decisions based purely on automated processing where it produces a legal or similarly significant effect.

NFER's Online Hub is designed to allow for the exercise of these rights. To exercise any of these rights, data subjects should contact the school. The school may act on such requests themselves using the NFER Online Hub or by contacting compliance@nfer.ac.uk.

To exercise any of these rights on data extracted from the NFER Online Hub by NFER for research purposes, the school or data subject should contact compliance@nfer.ac.uk. You can exercise these rights at any time. Should you withdraw your data, the NFER will ensure that your personal data is not used for future research but may be unable to remove it from completed and in progress research projects.

10 Are any decisions taken about me based on the automated processing of my data?

Where a School uses the NFER Tests Analysis Tool to analyse and view test results, they remain responsible for data uploaded to the service, that is, the School remains the Controller. If the School uses the tool to make automated decisions, it remains responsible for informing pupils and parents of this, and any impact on any individuals.

When NFER uses pupil data for research, no decisions are made about any individual, based on automated processing of that individual's personal data. NFER's research informs policy across the education sector.

11 Who can I contact about this Privacy Notice?

For general queries about NFER products please contact products@nfer.ac.uk

If you have concerns about the way NFER processes personal data, please raise your concern with NFER (by contacting the Compliance Officer: compliance@nfer.ac.uk).

If you remain dissatisfied, you can contact the Information Commissioner's Office, the body responsible for enforcing data protection legislation in the UK, at <https://ico.org.uk/concerns/>

If you are in the European Union, NFER's EU data representative is *Rickert Rechtsanwaltsgesellschaft mbH*. You can contact them to raise queries about the use of your personal data:

Rickert Rechtsanwaltsgesellschaft mbH
National Foundation for Educational Research in England and Wales (NFER)
Colmantstraße 15
53115 Bonn
Germany
art-27-rep-nfer@rickert.law

12 Updates

We may need to update this privacy notice periodically, so we recommend that you revisit this information from time to time.

This privacy notice was updated in June 2021 to provide details of NFER EU's Representative.

Further updates were made in May 2022 to provide details of the use of personal data by NFER for research.