Draft Regulations laid before Parliament under section 65(5)(b) of the Statistics and Registration Service Act 2007, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2008 No.

STATISTICS, ENGLAND

Statistics and Registration Service Act 2007 (Disclosure of Pupil Information) (England) Regulations 2009

Made - - - - ***

Coming into force in accordance with regulation 1

The Minister for the Cabinet Office makes these Regulations in exercise of the powers conferred by section 47(1)(b) and (6) of the Statistics and Registration Service Act 2007(**a**).

In accordance with section 47(8)(c) of that Act these Regulations are made with the consent of the Secretary of State for Children, Schools and Families.

In accordance with section 47(9) of that Act the Minister for the Cabinet Office and the Secretary of State for Children, Schools and Families are satisfied that the disclosure authorised by these Regulations is required by the Statistics Board to enable it to carry out the functions in relation to which the disclosure is authorised, and is in the public interest.

In accordance with section 65(5)(b) of that Act a draft of these Regulations has been approved by resolution of each House of Parliament.

Citation, commencement, extent and interpretation

1. These Regulations may be cited as the Statistics and Registration Service Act 2007 (Disclosure of Pupil Information) (England) Regulations 2009 and come into force on the day after the day on which they are made.

2. These Regulations apply in England only.

3. In these Regulations—

"the Act" means the Statistics and Registration Service Act 2007;

"the 1996 Act" means the Education Act 1996(**b**);

"anonymous pupil reference number" means the number which—

(a) is assigned to a pupil by use of a formula determined by the Department for Children, Schools and Families;

(**a**) 2007 c.18.
(**b**) 1996 c.56.

(b) continues to apply to the pupil regardless of any change in the pupil's school; and

(c) does not, without additional information, identify the pupil;

"pupil" has the meaning given by section 3 of the 1996 Act(**a**);

"school" has the meaning given by section 4 of the 1996 Act(**b**).

Disclosure of individual pupil information

4.—(1) The Secretary of State may disclose to the Statistics Board the following information about individual pupils.

(2) The information is—

(a) the pupil's—

(i) surname, and any former surname;

(ii) preferred surname;

(iii) first name;

(iv) middle name, or if more than one, each middle name;

(v) date of birth;

(vi) gender;

(vii) ethnic group and source of that information;

(viii) first language;

(ix) school and the address of that school;

(x) date of admission to, and departure from, that school; and

(xi) anonymous pupil reference number;

(b) the address and postcode of the home where the pupil normally resides;

(c) whether the pupil is a day or boarding pupil at the school; and

(d) if the pupil normally resides with a person specified in paragraph (a), (b) or (c) of paragraph 19(1) of Part 1 of Schedule 1 to the Education (Information About Individual Pupils) (England) Regulations 2006(**c**), that information, and its source.

Purposes for which disclosure is authorised

5. Information disclosed under regulation 4 may only be used by the Statistics Board for the following statistical purposes—

(a) the production of population statistics under section 20 (production of statistics) of the Act;

(b) the making of arrangements for a census under section 2 of the Census Act 1920(**d**) (duty of Registrar-General to carry out census, and provision for expenses); and

(c) the assessment of the census returns.

Restriction on further disclosure of personal information

6. In the application of section 39 (confidentiality of personal information) of the Act to personal information which is disclosed to the Statistics Board under regulation 4—

(**a**) 1996 c.56; section 3 was amended by the Education Act 1997 (c.44), Schedule 7, paragraph 9; and the Education Act 2002 (c.32), Schedule 21, paragraph 34.

(**b**) 1996 c.56; section 4 was amended by the Education Act 1997 (c.44), section 51 and Schedule 7, paragraph 10; the Education Act 2002, Schedule 22, part 3; and the Childcare Act 2006 (c.21), section 95.

(**c**) S.I. 2006/2601; paragraph 19 was inserted by S.I. 2007/3373.

(**d**) 1920 c.41; section 2 was amended by the Statistics and Registration Service Act 2007 (c.18), Schedule 1, paragraph 2. Paragraph 2(2) of Schedule 1 substituted "the Statistics Board in relation to England and Wales and the Registrar General for Scotland in relation to Scotland" for "the Registrar-General".

(a) subsection (4)(a) applies only to the extent that—

(i) a disclosure is required by an enactment; or

(ii) a disclosure is permitted by section 41 (disclosure of information to service providers) of the Act but only in connection with the purposes specified in regulation 5;

(b) paragraphs (d), (f), (g) and (h) of subsection (4) do not apply.

Name
Date Minister for the Cabinet Office

I consent

Name
Date Department for Children, Schools and Families

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide that the Secretary of State for Children, Schools and Families may disclose the information listed in regulation 4 about individual pupils to the Statistics Board (the Board). Regulation 5 provides that the Board may only use that information in order to enable it to produce population statistics; for the making of arrangements for a census that the Board is required to undertake under the Census Act 1920; and for the assessment of the census returns.

Regulation 6 places further restrictions on the circumstances under which personal information may be disclosed by the Board. Personal information may only be disclosed by the Board if it is under a statutory or Community obligation to do so, or disclosure is made in pursuance of an order of a court. The Board may disclose personal information to a person providing services to it in connection with any of the purposes listed in regulation 5 for which disclosure to the Board was authorised.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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