**EXPLANATORY MEMORANDUM TO**

**THE ERASMUS+ PROGRAMME (DATA PROCESSING) REGULATIONS 2026**

**2026 No. 470**

## 1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department for Education and is laid before Parliament by Command of His Majesty.

## 2. Declaration

2.1 Baroness Jacqui Smith, Minister for Skills at the Department for Education confirms that this Explanatory Memorandum meets the required standard.

2.2 Faye Taylor, Deputy Director for International Strategy, Devolution and Union, at the Department for Education confirms that this Explanatory Memorandum meets the required standard.

## 3. Contact

3.1 Faye Taylor at the Department for Education can be contacted by email at the following address with any queries regarding the instrument: erasmus.enquiries@education.gov.uk.

# Part One: Explanation, and context, of the Instrument

## 4. Overview of the Instrument

***What does the legislation do?***

4.1 This instrument makes provision to enable the processing of personal data as part of the Erasmus+ programme. It provides for UK bodies that have a formal role in the programme - the National Authority, the National Agency, and the Independent Audit Body (IAB) – to process personal data for the purposes of enabling or facilitating the performance of the functions placed on those bodies under the Erasmus+ programme. It also enables the National Agency, the IAB, the Secretary of State and Devolved Governments to process personal data in order to undertake certain statistical research and analysis on the programme's outcomes, support delivery of the programme, and support the National Agency in relation to some of its functions.

***Where does the legislation extend to, and apply?***

4.2 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales, Scotland and Northern Ireland.

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England and Wales, Scotland and Northern Ireland.

## 5. Policy Context

***What is being done and why?***

5.1 The United Kingdom (UK) will associate to the Erasmus+ programme, the European Union programme for education, training, youth and sport, from 1 January 2027. Erasmus+ is a large-scale grant funding programme. Protocol 1 to the Trade and Cooperation Agreement (TCA) was amended by Decision No 1/26 of the Specialised

Committee on Participation in Union Programmes, established by article 8(1)(s) of the TCA of 15 April 2026 to implement this[1]. Protocol I was adopted by Decision 1/203 of the Specialised Committee on Participation in Union Programmes established by article 8(1)(s) of the TCA of 2 December 2023.[2]

5.2 Article 1(1a) of the amended Protocol 1 to the TCA sets out that the Erasmus+ Programme is currently the programme established by 'Regulation (EU) 2021/817 of the European Parliament and of the Council of 20 May 2021 establishing Erasmus+: the Union Programme for education and training, youth and sport and repealing Regulation (EU) No 1288/2013 (OJ EU L 189, 28.5.2021, p. 1)' ("the Erasmus+ Regulation").

5.3 The European Commission has responsibility for the overall management of the Erasmus+ Programme, including managing the overall budget and managing "centralised" elements of the Programme. This includes allocating grant funds for centrally funded actions which have a European or international scope and are larger in scale. "Actions" means the specific types of projects and opportunities that are part of the Erasmus+ Programme.

5.4 In order to manage the "decentralised" actions of the Programme several bodies are required to be put in place. Decentralised actions include mobility and partnership activities which are managed at a national level by each country's National Agency. They are not run by the European Commission. The National Authority is the body notified to the European Commission as the person in charge of monitoring and supervising the management of the UK's participation in the Programme within the UK. When the UK associates to the Programme on 1 January 2027, the National Authority will be the Secretary of State for Education.

5.5 The National Authority is required to designate a National Agency and an Independent Audit Body. The National Agency is the body in charge of managing the implementation of the Erasmus+ Programme within the UK. The British Council is set to become the National Agency for the UK. The Independent Audit Body provides an independent audit opinion. The Independent Audit Body will be designated by the National Authority following a commercial process in 2027.

5.6 Processing of personal data by the National Authority, National Agency and Independent Audit Body is required in order for the Erasmus+ Programme to operate. Regulation 3 of this instrument enables that processing where necessary for the purposes of enabling or facilitating the performance of the functions of those bodies under the Erasmus+ Programme as established by the Erasmus+ Regulation. This includes the disclosure of personal data to another body, including disclosure to EU institutions, where such disclosure is necessary for certain purposes.

5.7 The National Agency will process learners' personal data in order to administer and monitor the programme. The IAB will carry out an annual audit of the National Agency's yearly management declaration and may need to review records containing personal data.

[1] The decision is available here: https://www.gov.uk/government/publications/decision-no-12026-of-the-specialised-committee-on-participation-in-union-programmes-under-the-trade-and-cooperation-agreement-amending-protocol-i-of-t

[2] The decision is available here: https://assets.publishing.service.gov.uk/media/65a6646e96a5ec00137319f1/TS_5.2024_Decision_No1_Specialised_Committee_Participation_Union_Programmes_adopting_Protocol_I_and_II_amend_Annex_47_UK_EU_Trade_Cooperation_Agreement.pdf

5.8 Regulation 4 of this instrument enables additional processing of personal data by the Secretary of State, the National Agency, the IAB and devolved authorities (the Scottish Ministers, the Welsh Ministers or a Northern Ireland Department) for certain statistical analysis and evaluation, and to provide support to the National Agency in relation to some of its functions. For example, the UK Government intends to conduct a robust and data driven evaluation of the UK association of the scheme. This could entail, for example, matching individual learner records to educational outcome data held by DfE to better understand the outcomes of learners who have participated. Similarly, regulation 4 enables the devolved authorities to process personal data to undertake research analysis into the impact of the Erasmus+ Programme in or as regards their respective nations. The Secretary of State and devolved authorities may also need to process personal data to assist the National Agency in answering questions, such as from prospective participants. In UK Government, the Department for Education, the Department for Culture, Media and Sport, and the Department for Work and Pensions are the most likely to undertake the relevant processing in light of all three departments being responsible for policy areas covered by the Erasmus+ programme.

***What was the previous policy, how is this different?***

5.9 The UK has not participated in the Erasmus+ Programme since leaving the EU and has, therefore, not been required to comply with the requirements of the Programme, including the processing of personal data whilst not also being an EU Member State. When the UK previously participated in the Erasmus+ Programme the relevant EU Regulations were directly applicable in the UK and no domestic implementing legislation was required. Following the decision to associate to the Programme from 1 January 2027, this Instrument ensures personal data can be lawfully processed as part of the operation of the Erasmus+ Programme by the UK's Erasmus+ Programme Bodies. It also enables statistical analysis and research to be undertaken and support to the National Agency to be provided by the Secretary of State and Devolved Authorities.

## 6. Legislative and Legal Context

***How has the law changed?***

6.1 This Instrument makes provision to enable the processing of personal data as part of the UK's association to the Erasmus+ Programme in 2027.

***Why was this approach taken to change the law?***

6.2 Exercising the power in section 31 of the European Union (Future Relationship) Act 2020 on a UK wide basis is considered to be the most appropriate way to provide a legal basis in domestic law for the necessary processing in advance of the UK's reassociation to the Erasmus+ Programme. It is anticipated that the data processing will begin in summer 2026 as part of preparations for association.

## 7. Consultation

***Summary of consultation outcome and methodology***

7.1 A commitment was made by the UK Government prior to the European Union (Future Relationship) Act 2020 being passed that it would not normally make regulations in devolved areas under section 31 of the Act without the agreement of the relevant devolved administration. While negotiations with the EU are a matter for the UK

Government as international relations are reserved, as education is a devolved matter, implementation of Erasmus+ domestically in Scotland, Wales and Northern Ireland falls to the relevant Devolved Government. The Devolved Governments have been consulted throughout the development of the instrument. They were consulted on a draft of the instrument and Ministerial consent was sought by the UK Government and provided by each of the Devolved Governments prior to the instrument being made.

7.2 During the consultation with the Devolved Governments, they requested that a sunset provision be included in this instrument so that it will cease to have effect after 31 December 2027, being the end of the UK's current planned association to the Erasmus+ Programme. Should the UK agree with the EU to associate to the Erasmus+ Programme in its next iteration from 2028-2034, a further instrument would be required to ensure personal data could continue to be processed. The Devolved Governments have requested that this further instrument be made jointly by the Secretary of State and the Devolved Governments to put in place specific powers in respect of the Erasmus+ Programme from 2028.

7.3 In light of this request, the Department for Education has agreed to a 31 December 2027 sunset date with the inclusion of a necessary saving provision to enable personal data to continue to be processed, where necessary, in respect of activities which were commenced as part of the Erasmus+ Programme prior to 31 December 2027.

7.4 Under Article 36(4) of the UK GDPR, the government is required to consult the Information Commissioner's Office (ICO) on any proposals for legislative or regulatory measures it is developing which relates to the processing of personal data. The government duly consulted the ICO on the development of this instrument. The ICO confirmed it was content on 20 March 2026.

## 8. Applicable Guidance

8.1 There is no applicable guidance. The Department for Education issues privacy notices for each area of work and the European Union also issues a privacy notice.

## Part Two: Impact and the Better Regulation Framework

## 9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because we expect it to have minimal impact on businesses.

***Impact on businesses, charities and voluntary bodies***

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because this instrument is not creating any new requirements for any of these sectors. There is no, or no significant, anticipated financial impact of the instrument because it simply enables the processing of personal data by specific bodies.

9.3 The legislation does not impact small or micro businesses.

9.4 There is no, or no significant, impact on the public sector because this instrument does not create requirements on public sector bodies. The instrument enables the processing of personal data but does not set specific requirements.

## 10. Monitoring and review

***What is the approach to monitoring and reviewing this legislation?***

10.1 A review will take place in August 2027 to consider progress on the proposal to put in place specific powers in respect of the Erasmus+ Programme jointly with the Devolved Governments. If necessary, an instrument extending the sunset in this instrument until 31 December 2028 will be made if there is any concern from UK Government or Devolved Governments that the proposed jointly made instrument will not be ready to come into force on 1 January 2028. This will ensure that if the UK associates to the Erasmus+ Programme for 2028-2034, the necessary provisions to enable the processing of personal data will be in place and provide additional time for work to continue on the proposal to jointly put in place specific powers in respect of the Erasmus+ Programme.

10.2 As this instrument is only made under the relevant European Union Acts (as defined at 13.1), no review clause is required.

## Part Three: Statements and Matters of Particular Interest to Parliament

## 11. Matters of special interest to Parliament

11.1 None.

## 12. European Convention on Human Rights

12.1 As the instrument is subject to negative procedure and does not amend primary legislation, no statement is required.

## 13. The Relevant European Union Acts

13.1 This instrument is made under section 31 of the European Union (Future Relationship) Act 2020 and therefore relates to the UK's future relationship with the European Union. The UK and EU have agreed for the UK to join the Erasmus+ Programme in 2027. Erasmus+ is one of the key commitments agreed at the first UK-EU Summit in May 2025.