

October 29, 2017

Constitutional and Legislative Affairs Committee
National Assembly for Wales

Dear Chairman, and Honourable Members of the Committee,

thank you for your letter of October 27. We write again to conclude the comment on that SI and note the oral consideration given on October 16 to

SI 2017 No. 940 (W. 233) The Education (Supply of Information about the School Workforce) (Wales) Regulations 2017¹

In conclusion, we would like to recommend two actions:

1. In the interests of transparency and public trust, would be pleased if you would ensure publication of the **Data Privacy Impact Assessment** as soon as possible.
2. To meet your assurance that the purposes expressly set out on the face of the Education Act 2005 and none other, including immigration purposes or commercial use, we would encourage the implementation of the process recommend a compulsory published **register of third party use**.

While you write that the DAA places certain obligations upon the organisation in respect of what they can and cannot do with the data, we believe the powers of the SI are substantial:

Persons to whom the Welsh Ministers may supply information for qualifying purposes include in 7. —(1) For the purposes of section 114(3) of the 2005 Act, the following are prescribed persons—

(b) the Secretary of State;

(h) persons conducting research relating to qualifying workers or qualifying trainees which may be expected to be of public benefit.

We are concerned that the effect of the Digital Economy Act 2017, Part 5 is the removal of horizontal data protections across government and once personal data are under the powers of the Secretary of State, data may be passed to other government departments and public bodies.

Further, the persons in 7(h) are open ended, and while you may believe that there are no commercial use plans, it appears that there are no limitations on commercial companies accessing these data on the face of the SI if they can (also) demonstrate public interest. In fact, very similar wording means commercial companies do get [access to identifying workforce data in England](#), but it is not published or we believe, communicated to staff from whom the data come.

Separately, we also ask you to address a further SI which we have only just been made aware of [SI No. 886](#) The Education (Student Information) (Wales) Regulations 2017 (W. 214)

We write separately, attached to this same email correspondence, to keep the two distinct.

Sincerely,

Jen Persson
Director, defenddigitalme

¹ Statutory Instrument No. 940/2017 <https://www.legislation.gov.uk/wsi/2017/940/made>