

The Personal Learning Record for the Qualifications and Credit Framework Data Management Policy

Tier 2 Document
Version 1.0

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Of interest to everyone involved in learning and skills



MIAP
Managing Information
Across Partners

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1. Policy Overview

This policy document is written by the Chief Executive of Skills Funding and is a Tier 2 Document as referenced by the Awarding Organisation Agreement for the Personal Learning Record (PLR) for the Qualifications and Credit Framework (QCF). It sets out the policy for:

- the acquisition, storage, maintenance and sharing of Learner Achievement Data supplied by Awarding Organisations to the PLR for the QCF; and
- the processing of Learner Achievement Data supplied by Awarding Organisations to the PLR for the QCF.

This document sets out the policy to govern the data management of Achievement Data supplied by Awarding Organisations into the PLR for the QCF.

Data management shall be defined as the service which facilitates the provision of information services by controlling and co-ordinating the definitions and usage of reliable and relevant data.

2. Policy Scope

The scope of the policy is restricted to:

- The acquisition, storage, maintenance and sharing where permitted of Learner Achievement Data supplied by Awarding Organisations to the PLR for the QCF.

The policy **does not** cover:

- The acquisition, storage, maintenance and sharing where permitted of qualification, unit and Rules of Combination data from Ofqual;
- Any data management principles relating to Learner demographic data held by the MIAP Learner Registration Service; or
- The acquisition, storage, maintenance and sharing where permitted of any Learner Achievement Data sourced from the PLR that is not sourced from Awarding Organisations, an example includes KS4\KS5 Data sourced from the National Pupil Database.

3. Policy Governance

Any amendments to the type of data or to the specification of and/or the usage of the Learner Achievement Data supplied by Awarding Organisations to the PLR will be notified in the first instance via the Data Management Group.

Any change to the Scope of use of Data as set out in Schedule 1 of the Awarding Organisation Agreement shall be subject to the Change Control Procedure contained in Schedule 3 of the Awarding Organisation Agreement.

4. Data Management Group

The Data Management Group is defined as the Advisory Group tasked with devising and implementing policies on data protection, data sharing, data quality and data standards.

4.1 Scope

The scope is bounded by the collection storage, processing and sharing where permitted of data relating to Achievement Data provided by Awarding Organisations.

4.2 Constitution

The Data Management Group will be constituted of the QCF data manager, a representative from the regulator Ofqual, and a representative number of Awarding Organisations and Providers (the exact number to be determined) and other representatives as set out in Schedule 2 of the Awarding Organisation Agreement.

All representatives will be expected to be familiar with their organisation's data concerns.

The chair of the group will be chosen by the membership and secretariat support will be provided by the QCF team.

4.3 Purpose

The purpose of this group is to help inform the decision making process relating to the management of data held within the service through the involvement of relevant stakeholders. This group will therefore have responsibility for providing advice on:

- Data Protection;
- Data Sharing;
- Data Quality; and
- Data Standards.

The mechanism for advising on this will be through the approval of the Data Management Policy, and to advise the Customer Scrutiny Group of the data impacts of any changes to the Service Charter, including reviewing any privacy impact assessments.

The Data Management Group will also be responsible on behalf of the sector for holding the service to account for the operation of the Data Management Policy. This shall be through reviewing the service's performance to ensure that it is conforming to the Data Management Policy.

The Data Management Group will act as a point of escalation for the resolution of data challenge where the service and Awarding Organisations have not been able to resolve the issue directly, respecting any Awarding Organisation sensitivities by addressing the issue through a smaller review group.

4.4 Escalation

The Data Management Group will escalate issues in the following order of escalation to: 1) the Customer Scrutiny Group, 2) the Head of MIAP Service and 3) the Chief Executive for Skills Funding.

5. The Personal Learning Record Service

The use of the PLR for the QCF is set out in the Awarding Organisation Agreement.

6. Data Protection Roles

The Data Protection Act 1998 states that a data controller is: a person who (either alone or jointly or in common with other persons) determines the purposes for which and the manner in which any personal data are, or are to be, processed.

Data controllers are required to comply with the Data Protection Act 1998 whenever they process personal data (in this context "processing" includes collecting, storing, amending and disclosing data).

6.1 Chief Executive as Data Controller

The Chief Executive will collect, store, process and share the Achievement Data from Awarding Organisations under a data sharing framework. This data sharing framework is underpinned by the Awarding Organisation Agreement.

The Chief Executive has a role in determining the purposes of data use and therefore the Chief Executive is a data controller. An Awarding Organisation is also a data controller if it has a role in determining the purpose of data use.

An example of the Chief Executive acting as data controller in the context of AO Achievement Data is the integration of AO Achievement Data into the PLR.

As most decisions on how personal data is being collected, stored, processed and shared where permitted are being developed and agreed between the Chief Executive and Awarding Organisations through the development of relevant agreements, it is deemed that the Chief Executive and Awarding Organisations are both acting as data controllers.

The Chief Executive may use the Achievement Data sourced from Awarding Organisations for the purposes as specified in Schedule 1 of the Awarding Organisation Agreement.

6.2 Chief Executive Data Protection Act Obligations as Data Controller

As a data controller the Chief Executive will be expected to meet Data Protection obligations. This obligation is specified in the Awarding Organisation Agreement and will be met in accordance with the following DPA principles:

6.2.1 Data Protection Act 1998 - Principle 1

"Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless-

at least one of the conditions in Schedule 2 is met, and in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met."

Schedule 2, paragraph 6 (1)

"The processing is necessary for the purposes of legitimate interests pursued by the data controller or by the third party or parties to whom the data are disclosed, except where the processing is unwarranted in any particular case by reason of prejudice to the rights and freedoms or legitimate interests of the data subject."

It is considered that the majority of personal data collected by the QCF and PLR service from Awarding Organisations for the purposes of populating the PLR and facilitating credit transfer is justified by Schedule 2, paragraph 6(1) of the Data Protection Act 1998.

It is both necessary and legitimate for the purposes defined in the Awarding Organisation Agreement and it is not believed the rights and freedoms of the data subject are prejudiced by the processing of the data.

6.2.2 Data Protection Act 1998 - Principle 2

“Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes”.

The purpose of the data collection and the uses of the data collected are both lawful and fully disclosed in the Awarding Organisation Agreement. The personal data and Achievement Data are required to enable Awarding Organisations to fulfil the requirements of the QCF regulatory framework.

6.2.3 Data Protection Act 1998 - Principle 3

“Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.”

The Learner Achievement Data collected from Awarding Organisations will be required to:

- identify the individual sufficiently to match the incoming Achievement Data to their PLR.
- fulfil the minimum relevant information as required by Achievement Data interface specification (under development) relating to a Learner’s Qualifications to enable the Learners and Awarding Organisations to use the PLR for the QCF.

The provision of data will not be excessive and each data item taken from the Awarding Organisation will be thoroughly assessed for relevance during the solution design phase.

Only the data required to support the PLR credit accumulation and transfer and Learner controlled PLR viewing will be provided.

6.2.4 Data Protection Act 1998 - Principle 4

“Personal data shall be accurate and, where necessary, kept up to date”

The Personal Learning Record which will contain personal details such as given name and family name will be accessible by the Learner which will enable the information to be reviewed for accuracy and where necessary amended.

It will be the responsibility of the Awarding Organisation that submitted the data to maintain the data on an ongoing basis. For further details please refer to the section on Data Quality and Maintenance.

6.2.5 Data Protection Act 1998 - Principle 5

“Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes”

Individuals may wish to continue studying until later on in life and also may have a requirement to move in and out of education across their lifetime. The retention of information within the PLR will be 66 years.

6.2.6 Data Protection Act 1998 - Principle 6

“Personal data shall be processed in accordance with the rights of data subjects under this Act”

It will be the responsibility of the organisation dealing directly with Learners to issue Learners with Privacy Notices to inform Learners how their personal data is being used and who may have access to the data.

The Privacy Notice will inform Learners of how to opt out of sharing their QCF data with third parties and will guide them to different levels of information about the uses of their data within the PLR for the QCF, how the data is shared and their rights as an individual.

6.2.7 Data Protection Act 1998 - Principle 7

“Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data”

Achievement Data submitted by Awarding Organisations to the PLR for the QCF will be held securely in the QCF System in accordance with the Tier 2 Security Policy document. Further details can be found in Paragraph 11 (Data Security).

6.2.8 Data Protection Act 1998 - Principle 8

“Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data”

The PLR for the QCF does not intend to enable the sharing of data outside of England, Wales and Northern Ireland.

7. The Awarding Organisation as Data Controller

The obligations of the Awarding Organisation as a data controller and its use of the data it derives from the PLR for the QCF are defined in the Awarding Organisation Agreement.

Awarding Organisations are only permitted to process the data accessed via the PLR for the purposes as set out in Schedule 1 of the Awarding Organisation Agreement.

The Awarding Organisation shall preserve the security and integrity of the QCF System and take all reasonable measures to prevent the corruption or loss of any Data held within the QCF System in accordance with Industry best practice.

8. Collection of Learner Achievement Data from Awarding Organisations

8.1 Achievement Data in the PLR

The Personal Learning Record will be populated with the following data sources:

- Key Stage 4 and 5 data from the National Pupil Database (NPD);
- Individualised Learner Records (ILR) data from the Chief Executive; and
- QCF Qualifications and Units sourced from Awarding Organisations.

The service will only allow credit transfer queries, Route to Achievement queries and single Rules of Combination queries to run against the data provided directly by Awarding Organisations.

This Tier 2 Data Management Policy document is applicable to the Data Management of the QCF data provided by Awarding Organisations into the PLR.

8.2 Awarding Organisation Data Provision

Awarding Organisations collect Achievement Data relating to Learners who have achieved an award with that Awarding Organisation.

Awarding Bodies that are recognised by the regulator to operate within the QCF can then populate the PLR with Achievement Data following the signature of the Awarding Organisation Agreement.

The exact specification of data items to be collected from the Awarding Organisations will be determined during the current QCF System design phase and may include but not be limited to the following high level scope of data items:

- the Unique Learner Number (ULN) with supporting identifiers - Name, Address, Post Code, Date of Birth and Gender (Address and Post Code, if in scope and collected will be optional identifiers);
- all credit and qualification achievement, including grade, where a grade has been awarded with the name of the Awarding Organisation;
- endorsed titles (where applicable); and
- Provider name (Optional).

The Achievement Data transferred to QCF will only currently contain those data items that are deemed by the Data Protection Act to be either "personal data items" or "non-personal data items". Data items that are deemed to be personal sensitive, as defined by the DPA Schedule 3, such as ethnicity or disability will not be collected.

As regards the PLR for the QCF, the Chief Executive will implement a robust governance framework to ensure any sensitive data is either removed or masked from any achievements submitted by the Awarding Organisations to the PLR.

9. Data Quality and Maintenance

9.1 PLR Achievement Data Quality

It will be the responsibility of the Awarding Organisation to maintain the currency and accuracy of any Achievement Data they submit into the PLR by the time period specified in the Awarding Organisation Agreement.

At the point of accessing the PLR, Learners (and their providers/advisers) will be alerted to the accuracy of the information contained in the PLR through a clear disclaimer. This disclaimer will reinforce the fact that the Awarding Organisation from which the Learner has received their achievement remains the source of the data and that it is the responsibility of Learners, or their authorised agents, to validate the information they see in the PLR, by reference to the authorised certificate of achievement and with the Awarding Organisation as required.

Learners will not be able to change the data held in the PLR, but can challenge the data for accuracy. In the event that the accuracy of the data contained within the PLR is challenged by a Learner, the Chief Executive will alert the appropriate Awarding Organisation that will subsequently address the data challenge either directly or via the Approved Centre.

If Achievement Data within the PLR is to be updated or changed this will be the responsibility of the Awarding Organisation. The Chief Executive will keep a record of the Learner's demographic details, such as given-name, family-name, date of birth, and gender, at the time of the award.

9.2 Data Integrity and Validation

The QCF System will perform data integrity checks on the incoming Achievement Data to:

- ensure the data being submitted meets the specified criteria of the interface file;
- validate that the incoming data meets the parameters set by the Data Management Group; and
- ensure that data has not been accidentally changed and to ensure that the data reflects the latest data received from the Awarding Organisations.

Examples of integrity checking that may be performed on the incoming data include but are not limited to:

- validating the incoming QAN Code against the OFQUAL reference file;
- validating the incoming ULN and Demographics data to ensure that the Learner exists on the Learner Registration Service (LRS); and
- validating the Awarding Organisation to ensure that they are approved to operate in the QCF Framework.

We may periodically request data from you in order to verify the data held in the PLR.

10. Awarding Organisation Data

10.1 Sharing of Data

The data submitted by Awarding Organisations will only be shared via the PLR and QCF functionality in a very limited and restricted manner through:

- credit transfer requests made by other Awarding Organisations acting in accordance with the requirements of the QCF regulatory framework; and
- the Learner explicitly consenting to sharing of data via the PLR to third parties.

Data will be used to support the Learner in their decision making regarding courses and qualifications and to support the Learner in claiming prior credit. Therefore data will only be shared at the request of the Learner either explicitly through the permissions model or implicitly via the consent model.

The PLR will operate a granular permissions model for accessing the entire record, allowing the Learner to show or hide achievements as they see fit, within the entire Learner record.

Data will be shared via the PLR in the following manner:

- Learners will have complete access to their PLR. Through a permissions/consent model (currently being designed) they will have the functionality to grant access to the data contained within the record to Awarding Organisations, Learning Providers and advisors; and
- Learners will also be able to share their PLR with other third parties, such as employers, in a CV style format with selected achievements displayed through a report creation function.

The Chief Executive does not take any responsibility for the use that is made of the PLR by the Learner or agents acting on behalf of the Learner.

An Awarding Organisation will only have access to an individual Learner's PLR and other credit achievement within it where that individual Learner has requested with the Awarding Organisation with which they are registered, that the credit be transferred for the achievement of a qualification.

10.2 Aggregated Data

Achievement Data within the PLR will not be aggregated and used by the Chief Executive for any purposes (other than for maintenance and data quality control) without the express permission of the contributing Awarding Organisations.

The PLR for the QCF will provide functionality to Awarding Organisations to report on the data that they have submitted.

The PLR for the QCF will not provide any mechanism for Third Parties to aggregate the achievement data provided by Awarding Organisations.

11. Data Security

The Chief Executive is actively committed to ensuring that the appropriate measures to ensure security, integrity, availability and confidentiality of data submitted by Awarding Organisations are implemented.

The Chief Executive will implement an approved Security Policy as set out in the Tier 2 Security Policy document, to protect the PLR for the QCF assets from all internal/external threats whether deliberate or accidental.

The Security policy will ensure that:

- confidentiality of information is assured;
- integrity of information is preserved;
- availability of IT Systems is maintained;
- regulatory and legislative requirements are met;
- Business Continuity Plans are produced, maintained and exercised;
- all breaches of security, actual or suspected are reported up the management chain, and investigated by the Security Manager; and
- advice and guidance on information security is available to all staff.

12. Privacy Notices (FPNs)

Privacy Notices (also known as Fair Processing Notices or FPNs) are the mechanism by which individuals are informed about what will happen to the data collected about them and how that data will be processed and shared. A Privacy Notice can also act as a means of obtaining consent to certain types of data collection and processing.

The Information Commissioner has recently issued a draft Code of Practice on Privacy Notices, and has recommended the use of “layered” Privacy Notices as a means of ensuring that a balance is struck between providing too much or too little information. Layered privacy notices generally have 2 or 3 layers of notification.

The PLR for the QCF will implement a fully compliant tiered approach to Privacy Notices to ensure that a Learner has access to the most up to date and accurate source of information about the uses of their data and how it will be shared.

The QCF service will make available Privacy Notice guidance text for all Awarding Organisations as part of their obligations as Data Controller and to ensure that those organisations who will deal with Learners directly (e.g. where direct entry to exams is permitted) can issue a notice to the Learner as part of their Data Controller obligations. The FPN guidance text will help describe the PLR for the QCF service, the purposes of the data usage, data sharing arrangements and the process for a Learner to opt out of data sharing.

As part of the ULN registration process with the service, Learners will have seen a Privacy Notice detailing the purposes of data collection, ongoing uses of data via the PLR and how to opt out of sharing their data.

The process of a Learner opting out of data sharing will be the responsibility of the Learner and there is no expectation that an Awarding Organisation will be required to support this process.

12.1 Freedom of Information (FOIA) and Subject Access Requests (SAR)

The Freedom of Information Act applies to most public authorities. It also applies to companies which are wholly owned by public authorities. Organisations are required by Law to give people access to information held about the individual in a permanent form.

The Chief Executive will comply with all data subject access requests made under the DPA. The Freedom of Information Act 2000 gives everyone the right to ask for information held by a public authority, to be advised as to whether the information is held, and unless exempt, to have a copy of this information.

The PLR for the QCF service is subject to freedom of information requests under FOIA. However the Chief Executive believes that:

- the Data in relation to the service is being supplied for specific and restricted use;
- the service is operating as a clearing house for the purposes of QCF credit; and
- the Data contains personal data as defined under the DPA, and therefore the Chief Executive may be entitled to exclude such records from a FOIA request.

These factors will be taken into account when assessing any request for information; however each request will be reviewed on its facts.

Individuals may submit requests for personal and non-personal information pertaining to themselves, and should be managed in accordance with the Subject Access provisions of the DPA and submitted to the QCF Service Desk. The Chief Executive will manage these requests in accordance with their policy for handling subject access requests.

13. Handling of Sensitive Learners

The PLR for the QCF service operates a data governance framework designed to provide safeguards in respect of information held about Learners, and address any potential privacy risks that may arise from:

- Data held about a Learner that is categorised as sensitive in the Data Protection Act;
- Data held about a Learner in respect of their custodial status or criminal record; and
- any Data that is deemed by the service to compromise the privacy of the Learner.

The data governance framework governs the collection, electronic processing and onwards sharing of data where the record is deemed to hold data that may be considered sensitive to the Learner. This policy will be applicable to all data collected, stored and shared via the service.

The service will work with all stakeholders to determine if there are any considerations regarding sensitive data and where possible will look to implement policies and procedures within the service to minimise the burden on stakeholders.

Appendix A – Standard Privacy Notice Text (Formerly Standard FPN Text)

The Qualifications and Credit Framework (QCF) and Personal Learning Record (PLR) service is operated by the Skills Funding Agency for Learners engaged within the QCF.

The Skills Funding Agency offers a PLR service which stores your QCF units and qualifications. The PLR will be a lifelong record of your learning and qualifications, which will be accessible to you and to organisations where you have permitted viewing.

This PLR service supports an Awarding Organisation in its ability to make awards of qualifications based on units awarded by other Awarding Organisations. The PLR service may obtain personal information that has been obtained from third parties to supplement your PLR.

All organisations that will have access to the information you provide are registered under the Data Protection Act 1998 and will use your personal information in accordance with the requirements of the Act. At no time will your personal information be passed to organisations for marketing or sales purposes.

For further details of how your data is shared and used by MIAP and how to change who has access to your record, please see the MIAP website at www.miap.gov.uk.

Appendix B – Relevant Legislation & Useful Contacts

The following references to legislation have been considered in creating this Data Management Policy document. Website links have been provided, where available:

Data Protection Act 1998

This is the key piece of legislation that affects any data sharing that may take place.
www.legislation.hmso.gov.uk/acts/acts1998/19980029.htm

Learning and Skills Act 2000

www.legislation.hmso.gov.uk/acts/acts2000/20000021.htm

Human Rights Act 1998

Available from

www.legislation.hmso.gov.uk/acts/acts1998/19980042.htm

Disability Discrimination Act 1995

As amended by the Special Educational needs and Disability Act 2001

Available from

www.legislation.hmso.gov.uk/acts/acts1995/Ukpga_19950050_en_1.htm

Freedom of Information Act 2000

Available from

www.legislation.hmso.gov.uk/acts/acts2000/00036--a.htm

Other Useful Contacts–

Information Commissioner’s Office including register of data controllers

www.ico.gov.uk

British Standards (BS7799/ISO27001)

www.bsi-global.com

Managing Information Across Partners

www.miap.gov.uk

Skills Funding Agency

www.skillsfundingagency.bis.gov.uk

Department for Children, Schools and Families

www.dcsf.gov.uk

UK Register of Learning Providers

www.ukrlp.co.uk

Skills Funding Agency Office
Contact details for each office can be
found on our website:
www.skillsfundingagency.bis.gov.uk

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