

EXPLANATORY MEMORANDUM TO

The Statistics and Registration Service Act 2007 (Disclosure of Pupil Information) Regulations (Northern Ireland) 2013

S.R. 2013 No. 142

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Finance and Personnel to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under section 49 of the Statistics and Registration Service Act 2007 (the Act) and is subject to the affirmative resolution procedure.

2. Purpose

- 2.1. These Regulations permit the Department of Education (NI) to disclose information about individual pupils to the Statistics Board (now known as the UK Statistics Authority) for the purpose of enabling that Board to carry out its functions in connection with (a) the production of population statistics and (b) the assessment of Northern Ireland census returns.
- 2.2. Regulation 1 contains the citation and commencement provisions.
- 2.3. Regulation 2 contains the interpretation provisions.
- 2.4. Regulation 3 enables the Department of Education (NI) to disclose pupil information to the Statistics Board.
- 2.5. Regulation 4 lists the pupil information to be disclosed.
- 2.6. Regulation 5 authorises further disclosure by the Statistics Board of information which has been disclosed to it under regulations 3 and 4 to the Northern Ireland Statistics and Research Agency for the purpose of enabling or assisting that Board to produce population statistics under section 20 (production of statistics) of the Act and the assessment of census results.

3. Background

- 3.1. Information on the size, structure and the socio-demographic nature of the population is needed for resource allocation from central government to local authorities, education and health as well as for the planning and delivery of local services.
- 3.2. The Statistics Board is a non-ministerial department set up by the Statistics and Registration Service Act 2007 ("the Act") to promote and produce independent official statistics. The Statistics Board has chosen to operate under the name "UK Statistics Authority" ("the Authority") and is responsible for producing accurate UK population statistics.
- 3.3. The sharing of demographic data from administrative sources is vital for improving methods used for producing population statistics, to ensure they are as accurate as possible and especially for assessing census results.

- 3.4. In exercising their functions Department of Education (NI) records demographic information about individual pupils in their school census. The Authority and the Northern Ireland Statistics and Research Agency (NISRA) have identified this demographic information as central and vital to the work of improving population statistics and developing alternatives to the census.
- 3.5. These regulations permit the sharing of certain information about individual pupils ie their surname, and any former surname; first name; middle name, or if more than one, each middle name; date of birth; gender; pupil reference number; school reference number; date starting and leaving school; pupil's home address and postcode and whether the pupil is a boarder or day pupil. The information collected relates to any individual who has been a pupil at any time since 1st September 2006, the date, from when the information became available.
- 3.6. The Authority will make use of the information that it accesses through the regulations to bring about improvements to the population statistics it produces and publishes. In particular it will use it alongside other information to consider alternatives to a traditional census to deliver census type statistics
- 3.7. The Statistics and Registration Service Act 2007 allows a Northern Ireland department, with the consent of the Cabinet Office, to make regulations permitting disclosure of information by public bodies to the Authority to enable it to carry out its statutory functions. As the pupil information is owned by the Department of Education (NI), separate regulations must be made to enable access by the Authority and NISRA.
- 3.8. The Northern Ireland Statistics and Research Agency (NISRA) is an executive agency within the Department of Finance and Personnel and will produce the population statistics in Northern Ireland from data received from the Authority.
- 3.9. Although the regulations will allow the Authority to access personal information it will not publish any personal information which could identify an individual. Section 39 of the Act makes it an offence for a member or an employee of the Authority to disclose personal information held by the Authority, subject to the exceptions provided for in subsection (4).

4. Consultation

- 4.1. The Authority has been consulted on these regulations. The Cabinet Office and the Department of Education (NI) have also been consulted on these regulations and the Information Commissioner's Office has been informed.
- 4.2. Northern Ireland Ministers were advised in May 2007 that the Act would allow NI Departments, under appropriate secondary legislative safeguards, to avail of data sharing arrangements solely for statistical purposes. Neither Ministers nor the DFP Assembly Committee sought to alter that decision.

5. Equality Impact

- 5.1. The Regulations are a mechanism to facilitate the transfer of pupil demographic data that applies in a non-discriminatory way.
- 5.2. An equality impact assessment has been conducted showing no effect and is available from the Department .

6. Regulatory Impact

- 6.1. The statutory rule has an impact only on those public sector bodies mentioned in the regulations. No impact is foreseen on businesses, charities, social economy enterprises or the voluntary sector therefore a full Regulatory Impact Assessment has not been carried out .

7. Financial Implications

- 7.1. No direct financial implications other than the cost of managing the data transfer.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. In the view of the Department of Finance and Personnel the regulations are compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. Not applicable.

10. Parity or Replicatory Measure

- 10.1. The statutory rule is to maintain parity with the Statistics and Registration Service Act 2007 (Disclosure of Pupil Information) (England) Regulations 2009 and the Statistics and Registration Service Act 2007 (Disclosure of Pupil Information by Welsh Ministers) Regulations 2011 made by the Cabinet Office for England/Wales.
- 10.2. It is similar to the Statistics and Registration Service Act 2007 (Disclosure of Social Security Information) Regulations (Northern Ireland) 2012 made by the Department of Finance and Personnel.
- 10.3. It is being taken forward at the same time as the Statistics and Registration Service Act 2007 (Disclosure of Higher Education Student Information) Regulations (Northern Ireland) 2013.
- 10.4.

11. Additional Information

- 11.1. Dr David Marshall at Northern Ireland Statistics & Research Agency Tel: 028 90348155 or email: david.marshall@dfpni.gov.uk can answer any queries regarding these regulations.