

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

2009 No.

STATISTICS BOARD

The Statistics and Registration Service Act 2007 (Disclosure of Higher Education Student Information) Regulations 2009

Made - - - - *******
Coming into force - - *******

The Minister for the Cabinet Office makes these Regulations in exercise of the powers conferred by sections 47(1)(b), (6)(b) and (7)(b) of the Statistics and Registration Service Act 2007⁽¹⁾.

In accordance with section 47(8)(a) and (c) of that Act these Regulations are made with the consent of the Welsh Ministers and the Minister for Higher Education and Intellectual Property.

In accordance with section 47(9) of that Act the Minister for the Cabinet Office and the Welsh Ministers and the Minister for Higher Education and Intellectual Property 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 and commencement

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

Interpretation

2. In these Regulations—

“the Act” means the Statistics and Registration Service Act 2007;

“the 1992 Act” means the Further and Higher Education Act 1992⁽²⁾;

“the Funding Councils” means the Higher Education Funding Council for England and the Higher Education Funding Council for Wales;

(1) 2007 c.18.
(2) 1992 c.13.

“institution of higher education” means an institution within the higher education sector within the meaning of the 1992 Act;

“mode of study” includes full and part time study and sandwich, block release and day release courses;

“student” means, for the purposes of these Regulations, a person who undertakes a higher education course of study provided by an institution of higher education;

“UK provider reference number” means a unique number allocated to a learning provider upon successful registration on the United Kingdom Register of Learning Providers;

“unique student identifier” means the number which—

- (a) is assigned to a student and is used by the Funding Councils for record management purposes;
- (b) continues to apply to the student regardless of any change in the student’s institution of higher education; and
- (c) does not, without additional information, identify the student.

Disclosure of individual student information

3. The Funding Councils may disclose to the Statistics Board the information set out in regulation 4 in respect of students and individuals who have been students at any time since 1 August 2000.

4.—(1) In respect of a student, the information referred to in regulation 3 is—

- (a) that student’s—
 - (i) full name;
 - (ii) unique student identifier;
 - (iii) date of birth;
 - (iv) gender;
 - (v) ethnic group;
 - (vi) nationality;
 - (vii) institution of higher education’s UK provider reference number;
 - (viii) location of study and, if different, the location of the institution of higher education;
 - (ix) type of term-time accommodation;
 - (x) postcode of term-time accommodation; and
 - (xi) education institution attended prior to that student commencing higher education, indicated by either a numerical code or, if such a code is not applicable, the type of education institution;
- (b) in relation to each course of study for a particular qualification for which that student has enrolled—
 - (i) the actual commencement date and anticipated duration of the course;
 - (ii) the period over which the academic year falls, or fell;
 - (iii) the student’s number of years of attendance on that course since enrolment;
 - (iv) the student’s mode of study;
 - (v) the nature of the qualification towards which the course is, or was, directed;

- (vi) whether or not that student is, or was, charged higher fees by reference to the nature of that student's connection with the United Kingdom pursuant to regulations made under section 1(1) (fees at universities and further education establishments) of the Education (Fees and Awards) Act 1983(3);
 - (vii) in relation to the student's place of residence prior to commencing that course, the information set out in paragraph (2);
 - (viii) the date on which the student ended the course and the reason for doing so;
 - (c) whether the record held by the relevant Funding Council in respect of that student contains limited information and, if applicable, the reason for that.
- (2) The information referred to in paragraph (1)(b)(vii) is—
- (a) where that residence was within the United Kingdom, the Isle of Man and the Channel Islands, its postcode;
 - (b) where that residence within the United Kingdom, the Isle of Man and the Channel Islands was preceded by residence outside the United Kingdom, the Isle of Man and the Channel Islands, the country of residence; and
 - (c) where the student's place of residence prior to commencing that course was outside the United Kingdom, the Isle of Man and the Channel Islands, the country of residence.
- (3) The information disclosed to the Statistics Board pursuant to regulations 3 and 4 shall not comprise any information collected by the relevant Funding Council before 1 August 2000.

Purposes for which disclosure is authorised

5. Information disclosed under regulations 3 and 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(4) (duty of Registrar-General to carry out census, and provision for expenses); and
- (c) the assessment of the census returns.

Further disclosure of personal information by the Statistics Board

6.—(1) In the application of section 39 (confidentiality of personal information) of the Act to personal information which is disclosed to the Statistics Board under regulations 3 and 4, subsection (4)(c) of that section applies to the extent that the Statistics Board may disclose such personal information to the persons specified in regulation 7.

(2) Information may only be disclosed under paragraph (1) for the purpose of enabling or assisting the Statistics Board to produce population statistics under section 20 (production of statistics) of the Act.

7. The persons referred to in regulation 6(1) are—

- (a) the General Register Office for Scotland but only in respect of students who undertake a course at an institution of higher education in England or Wales but whose place of residence prior to starting such course was Scotland; and

(3) 1983 c.40.

(4) 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".

- (b) the Northern Ireland Statistics and Research Agency but only in respect of students who undertake a course at an institution of higher education in England or Wales but whose place of residence prior to starting such course was Northern Ireland.

Date *Name*
Minister for the Cabinet Office

I consent

Date *Name*
Minister for Higher Education and Intellectual
Property

I consent

Date *Name*
Minister for Children, Education, Lifelong
Learning and Skills, one of the Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide that the Higher Education Funding Council for England and the Higher Education Funding Council for Wales (together, the Funding Councils) may disclose the information listed in regulation 4 about individual students, including individuals who have been students at any time since 1 August 2000, to the Statistics Board (the Board). The Funding Councils may only disclose to the Board information collected by them since 1 August 2000. 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.

Regulations 6 and 7 authorise further disclosure by the Board of personal information which is disclosed to the Board under regulations 3 and 4 in certain circumstances which would otherwise be prohibited by section 47(4) of the Statistics and Registration Service Act 2007 (the Act). Regulations 6 and 7 only permit the Board to disclose such personal information to the General Register Office for Scotland and the Northern Ireland Statistics and Research Agency and only for the purpose of assisting the Board to produce population statistics under section 20 (production of statistics) of the Act.

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