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WELSH STATUTORY INSTRUMENTS

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**2017 No. 886 (W. 214)**

**EDUCATION, WALES**

**The Education (Student Information) (Wales) Regulations 2017**

*Made* - - - - 7 September 2017  
*Laid before the National*  
*Assembly for Wales* - - - 11 September 2017  
*Coming into force* - - - 6 October 2017

The Welsh Ministers, in exercise of the powers conferred by section 253A(2) and (3) and section 262(3) of the Apprenticeships, Skills, Children and Learning Act 2009<sup>(1)</sup>, make the following Regulations:

**Title, commencement and application**

1.—(1) The title of these Regulations is the Education (Student Information) (Wales) Regulations 2017.

(2) These Regulations come into force on 6 October 2017 and apply in relation to Wales.

**Interpretation**

2. In these Regulations—

“the 2009 Act” (“*Deddf 2009*”) means the Apprenticeships, Skills, Children and Learning Act 2009;

“the 2015 Act” (“*Deddf 2015*”) means the Qualifications Wales Act 2015<sup>(2)</sup>;

“learning provider” (“*darparwr dysgu*”) means a person providing education or training developed to meet the needs of a person aged 16 and above for which funding is received from the Welsh Ministers;

“specified qualification” (“*cymhwyster penodedig*”) means a relevant qualification that at the date of a person’s entry for that qualification—

- (a) was approved under section 99 of the Learning and Skills Act 2000<sup>(3)</sup> for the purposes of section 96 of that Act;
- (b) is approved under Part 4 of the 2015 Act;

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(1) 2009 c. 22; section 253A was inserted by section 79 of the Small Business, Enterprise and Employment Act 2015 (c. 26). Section 253A was amended by section 58 of, and paragraph 9 of, Schedule 4 to the Qualifications Wales Act 2015 (anaw 5).  
(2) 2015 anaw 5.  
(3) 2000 c. 21; section 99 was repealed by the Qualifications Wales Act 2015, section 58, Schedule 4, paragraph 3(1), (5).

- (c) is designated under section 29 of the 2015 Act; or
- (d) is one that leads from a course of education or training designated by the Welsh Ministers by virtue of section 34(8) of the 2015 Act.

**Prescribed circumstances**

3. Regulation 5 prescribes the circumstances for the purposes of section 253A(2) of the 2009 Act where the Welsh Ministers or an information collator may provide student information.

4. Regulations 6 and 7 prescribe the circumstances for the purposes of section 253A(2) of the 2009 Act where a person other than the Welsh Ministers or an information collator may provide student information.

5. The circumstances referred to in regulation 3 are that the information relates to an individual who is or was enrolled or registered with a learning provider for the purpose of obtaining a specified qualification.

6. The circumstances referred to in regulation 4 where the information is to be provided to the Welsh Ministers or an information collator are—

- (a) the information relates to an individual who is or was enrolled or registered with a learning provider for the purpose of obtaining a specified qualification; and
- (b) the Welsh Ministers or the information collator has requested that information.

7. The circumstances referred to in regulation 4 where the information is to be provided to a prescribed person or a prescribed category of person are—

- (a) the information relates to an individual who is or was enrolled or registered with a learning provider for the purpose of obtaining a specified qualification; and
- (b) the individual to whom the information relates—
  - (i) is or was enrolled or registered with the person providing the information; or
  - (ii) is or has undertaken education or training with the person providing the information.

**Prescribed student information**

8. The description of student information specified in Schedule 1 is prescribed for the purposes of section 253A(2) of the 2009 Act.

**Prescribed persons and prescribed categories of persons**

9.—(1) The persons in Part 1 of Schedule 2 are prescribed for the purposes of section 253A(2)(c) of the 2009 Act.

(2) The categories of persons in Part 2 of Schedule 2 are prescribed for the purposes of section 253A(2)(d) of the 2009 Act.

*Alun Davies*  
Minister for Lifelong Learning and the Welsh  
Language, under authority of the Cabinet  
Secretary for Education, one of the Welsh  
Ministers.

7 September 2017

## SCHEDULE 1

Regulation 8

### Prescribed student information

1. For each individual who is seeking, has sought or has obtained a specified qualification, the following information—

- (a) surname;
- (b) first name, or if more than one, each first name;
- (c) gender;
- (d) date of birth;
- (e) ethnic group;
- (f) home address and postcode;
- (g) the unique learner number allocated to an individual by the Learning Records Service<sup>(4)</sup>;
- (h) the relevant qualifications or regulated qualifications, if any, held by the individual on enrolling or registering with the learning provider for the purpose of obtaining a specified qualification;
- (i) the date on which the individual registered or enrolled with a learning provider for the purpose of obtaining a specified qualification.

2. The name and address of the learning provider with whom the individual is or was registered or enrolled.

3. For every specified qualification for which an individual is seeking, has sought or has obtained the—

- (a) name of the qualification;
- (b) unique identification code allocated to the qualification by Qualifications Wales<sup>(5)</sup>;
- (c) grade that a learning provider or an information collator predicts an individual to achieve before taking any examination or assessment leading to the qualification;
- (d) grade, if any, achieved;
- (e) name and address of the examination centre and examination centre number allocated by the person awarding the qualification at which any examination or assessment leading to the qualification was taken;
- (f) date on which an individual was entered for an examination or assessment leading to the qualification;
- (g) date the award of a qualification was made;
- (h) unique number allocated to an individual seeking the qualification by the person awarding the qualification.

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(4) The Learning Records Services is maintained by the Education and Skills Funding Agency.

(5) Qualifications Wales is a body corporate established by section 2 of the Qualifications Wales Act 2015.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## SCHEDULE 2

Regulation 9

### Prescribed persons and prescribed categories of persons

#### PART 1

##### Prescribed persons

- Joint Council for Qualifications<sup>(6)</sup>
- Her Majesty's Chief Inspector of Education and Training in Wales<sup>(7)</sup>
- Career Choices Dewis Gyrfa Limited (company registration number 07442837)
- The Higher Education Funding Council for Wales<sup>(8)</sup>
- The Higher Education Funding Council for England<sup>(9)</sup>
- Qualifications Wales
- The Secretary of State
- The Office of Qualifications and Examinations Regulation<sup>(10)</sup>
- The Universities and Colleges Admissions Service (company registration number 02839815)
- Student Loans Company Limited (company registration number 02401034)
- The Higher Education Statistics Agency Limited (company registration number 02766993)

#### PART 2

##### Prescribed categories of persons

###### Learning provider

Persons who, for the purpose of promoting the education or well-being of students in Wales are—

- (a) conducting research or analysis;
- (b) producing statistics;
- (c) providing information, advice or guidance;

and who require student information for that purpose.

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(6) The Joint Council for Qualifications is a community interest company limited by guarantee.

(7) Her Majesty's Chief Inspector of Education and Training in Wales is appointed by Order in Council under section 19 of the Education Act 2005 (c. 18).

(8) The Higher Education Funding Council for Wales is a body corporate established under section 62 of the Further and Higher Education Act 1992 (c. 13).

(9) The Higher Education Funding Council for England is a body corporate established under section 62 of the Further and Higher Education Act 1992.

(10) The Office of Qualifications and Examination Regulation is a body corporate established by section 127 of the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22).

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations prescribe the persons and the categories of persons to whom a person in Wales may provide student information. The Regulations also prescribe the type of student information that may be shared and the circumstances in which that information may be shared.

Regulations 3 to 7 prescribe the circumstances in which student information may be shared.

Regulation 5 provides that the Welsh Ministers or an information collator may provide student information to the other, to a prescribed person or to a prescribed category of person if that information relates to a person who is or was enrolled or registered with a learning provider for the purpose of obtaining a specified qualification.

Regulation 6 provides that student information may be provided by a person to the Welsh Ministers or an information collator if that information relates to a person who is or was enrolled or registered with a learning provider for the purpose of obtaining a specified qualification and the Welsh Ministers or an information collator has requested that information.

Regulation 7 provides that student information may be provided by a person (other than the Welsh Ministers or an information collator) to a prescribed person or a prescribed category of person if two circumstances are met. The information must relate to a person who is or was enrolled or registered with a learning provider for the purpose of obtaining a specified qualification. In addition the person to whom the information relates is or was enrolled or registered with the person providing the information; or is or has undertaken education or training with the person providing the information.

A specified qualification is a relevant qualification that is eligible to receive funding from the Welsh Ministers by virtue of the Learning and Skills Act 2000 or the Qualifications Wales Act 2015.

Regulation 8 and Schedule 1 prescribe the student information that may be provided.

Regulation 9 and Schedule 2 prescribe the persons and the categories of persons to whom information may be provided.

The Welsh Ministers Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.