

**Skills Funding Agency Data Sharing Agreement**

**For Local Authorities -  
Twice Yearly Report for Individualised Learner Data**

This form is to be used to request access to data including personal and / or sensitive personal data controlled by the Department for Education, hereinafter referred to as the “DfE”, through the Skills Funding Agency, hereinafter referred to as the “SFA”.

**Please note**

*This Data Sharing Agreement (DSA) only covers the scheduled twice yearly report for Local Authorities. Please do not add any other requests for data to this form, any data required which is not part of these standardised reports **must** be requested on a separate full DSA.*

Please enter the required fields, all fields marked with a red asterisk \* must be completed.

<b>Data Controller</b>	Dave Hill
<b>Requester Name*</b>	
<b>Name of Local Authority*</b>	Essex County Council
<b>Local Authority Address*</b> <i>(This cannot be a home or private address)</i>	County Hall Chelmsford Essex CM1 1QH

Once completed, please post or email to the Data & MI Team at:  
[DataandMIteam@sfa.bis.gov.uk](mailto:DataandMIteam@sfa.bis.gov.uk)

Or Data & MI Team  
**Funding Agencies Shared Services Team**  
Cheylesmore House  
Quinton Road  
Coventry  
CV1 2WT

# Data Sharing Agreement

## Local Authority – Twice Yearly Report for Individualised Learner Data

### Section 1 – Data Controller Details

1.1\* **Position within Local Authority** Executive Director for People Commissioning

1.2\* **Requester Email Address** dave.hill@essex.gov.uk

1.3\* **Requester Contact Number** 03330134556

#### 1.4 **Recipient of data**

If different from the Requestor please provide the name, email address and organisation of the key recipient of the scheduled data.

**Key Recipient** Annis Burns

**Email Address** annis.burns@essex.gov.uk

**Organisation** Essex County Council

Please also provide the name(s) of other individual(s) who are duly authorised to process the requested data.

1.5 **Name(s)** Kim Trennery  
**Organisation** Essex County Council

1.6 **Name(s)** Mark Shorter  
**Organisation** Essex County Council

# Data Sharing Agreement

## Section 2 – Legal Basis for the Request

(To be completed by requestor)

You need to confirm your relationship with the SFA by stating your understanding of the legal basis upon which the SFA is able to share this data with you.

### 2.1 Data requested on a statutory basis

I confirm that our organisation is requesting personal data on a statutory basis, for our own purposes stated in the statute listed. I accept that our organisation will become a Data Controller of this data, alongside the SFA.

**Education and Skills Act 2008 Act  
Apprenticeships, Skills, Children and Learning Act 2009 (section 41)**

### 2.2 Data Protection Act Compliance

I confirm our organisation is compliant under the following condition(s) under Schedule 2 and/or 3 of the Data Protection Act 1998, to provides justification for the SFA to provide the data to your organisation:

#### Data Protection Act 1998

##### Schedule 2

5 (b) - The processing is necessary for the exercise of any functions conferred on any person by or under any enactment

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.

##### Schedule 3

7 (1b) - The processing is necessary for the exercise of any functions conferred on any person by or under any enactment.

9 (1a) - The processing is of sensitive personal data consisting of information as to racial and ethnic origin,

(1b) - Is necessary for the purpose of identifying or keeping under review the existence or absence of equality of opportunity or treatment between persons of different racial or ethnic origins, with a view to enabling such equality to be promoted or maintained, and

(1c) - Is carried out with appropriate safeguards for the rights and freedoms of data subjects.

### 2.3 Data Controller Registration

Please complete your Data Protection Registration details (boxes 2.3a & b)

2.3a *	<b>Data Protection Registration No</b>	Z6034810
2.3b *	<b>Data Protection Registration Renewal Date</b>	14 November 2017

**Please note:** Scheduled data will not be sent unless your registration has at least one month to run before it expires – this allows for processing time.

If the requested data is going to be passed onto other organisations, please complete 2.4

Please enter details of any other parties who will receive the data (contractors, agents, partnerships

etc).

2.4.1

**Other  
Organisation 1**

**Purpose**

2.5.1

**Other  
Organisation 2**

**Purpose**

# Data Sharing Agreement

## Section 3 – Local Authority – Twice yearly Report Details

### 3.1 Processing Purpose

Local Authorities (LA) are required to maintain a record of the education/employment activity of all post-16 students resident in their area. These details are stored in their Client Caseload Information System (CCIS) database from which monthly extracts are provided to DfE. In order for LA's to fulfil their duty, to encourage, enable or assist effective participation, the records must reflect the full learner picture.

LA's are reliant on education providers to supply accurate learner details, however the delivery of Individualised Learner Data (ILR) on a twice yearly basis would allow the LA to verify this data and to identify and correct any anomalies. LLDD and ethnicity details are a requirement in CCIS, contact details are necessary should the LA need to contact the learner to establish their learning status.

### 3.2 Report Frequency and Contents

The contents of this report have been standardised to enable you to fulfil the processing purpose above. For 2015/16 one set of data will be delivered at period **SN06** (R06). For 2016/17 they will be produced on twice yearly basis at periods **SN04** (R04) and **SN06** (R06) only.

The report will contain data for ALL learners, who at the start of the academic year, are either aged:

- 16 to 19 (inclusive) or
- 16 to 26 (inclusive) if they have LLDD

The report will be encrypted and delivered to the person stated in Section 1.

### 3.3 Contacting Data Subjects

Data will be supplied to enable the Local Authority to contact individuals in their Local Authority area to encourage participation in education and training, in accordance with their statutory duty.

### 3.4 Deletion of Data

I declare that each scheduled data will be deleted within 12 months of receipt and that any named data will be removed as soon as possible within the 12 months.

## Data Sharing Agreement

### Section 4 – Declaration & Agreement

(To be completed by the requestor)

All requesters **MUST** confirm their agreement and compliance to the following conditions by completing all of the questions below. If any of the conditions are not fulfilled then data will not be supplied.

4.1	On behalf of my Organisation, I hereby apply for access to the data held or controlled by the SFA as specified in this Data Sharing Agreement.	Yes
4.2	<p>Confirmation that as Data Controller your organisation has in place suitable arrangements for processing the requested data to meet your obligations under the Data Protection Act 1998 including, but not limited to:</p> <ul style="list-style-type: none"><li>You maintain up to date policy available to all staff for handling personal data</li><li>Relevant people within your work place have been trained in how to handle personal data</li><li>Records of personal information are accurate and where necessary, up to date and are kept no longer than necessary</li><li>When collecting personal data you tell people how you intend to use it, and have a process in place to deal with requests for this information</li><li>You maintain appropriate technical and organisational measures to protect against unauthorised or unlawful processing of, accidental loss or destruction of, or damage to, personal data</li><li>Where you require processing of the requested data by a third party, you have put in place a contract between yourself as data controller, and the third party and data processor, to meet all obligations under the Data Protection Act</li></ul> <p>You have a process in place to handle any security incidents involving personal data, including notifying relevant third parties of any incidents</p>	Yes
4.3	I declare that our organisation has given notification to the Information Commissioner and registered the purposes for which the organisation may process data, that the registration is up-to-date and complete, and that the agreed processing described in section 3 falls within the terms of the notification / registration.	Yes
4.4	I declare that our organisation agrees to the Terms and Conditions of this Data Sharing Agreement.	Yes

4.5*	<b>Signature</b> (must be handwritten)		4.6*	<b>Date</b>	1 <sup>st</sup> December 2016
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**Please note:** Before any data can be issued a valid agreement must be received by the Data & MI Team

## Appendix A – Notes & Guidance

### Terms & Conditions

Details can be found within the embedded document below,



SFA Terms and  
Conditions 201516

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### ILR Field Names for 2015/16 and 2016/17

Details can be found within the embedded document below:

<https://www.gov.uk/government/publications/sfa-ilr-standard-file-specifications-and-reference-data>

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### Privacy Notice

The SFA issues Privacy Notices for the processing of personal data. When Learners enrol for learning funded by the SFA their Provider must ensure that they are aware of the Privacy Notice, including how their personal information may be used,

The Privacy Notice is published on the gov.uk website, scroll down to the latest version of the ILR Specification 2016 to 2017 appendix F, privacy notice at:

<https://www.gov.uk/government/publications/ilr-specification-validation-rules-and-appendices-2016-to-2017>