
Privacy notice for the national curriculum technical pre-tests 2022

1 Why are we collecting this data?

Your child's school / class has been selected to take part in the 2022 KS1 and KS2 technical pre-tests. Pupil data collected during these is to be used for informing the analysis of the test results and for ensuring that the tests are operating appropriately for all pupils.

The Standards and Testing Agency (STA), which is an executive agency of the Department for Education (DfE), has engaged the National Foundation for Educational Research (NFER) to carry out the administration of the 2022 KS1 and KS2 technical pre-tests. The purpose of these trials is to produce robust and reliable tests for possible future use in the KS1 and KS2 national curriculum assessments in English reading, English grammar, punctuation and spelling, and mathematics.

STA will use data from the trials to ensure that questions are appropriate for pupils, that the live tests are valid and reliable and to help set and maintain standards for the tests. No individual school or pupil will be identified in any reports produced by STA or NFER.

STA is the data controller and is responsible for determining how personal data used in this project should be treated. NFER, as data processor, follows STA's instructions on how personal data should be handled.

2 What is the legal basis for processing activities?

To use your child's personal information we need to meet one (or more) conditions in the data protection legislation. The legal basis for processing personal data is covered by:

- GDPR Article 6 (1) (e) which states that the 'processing is for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.'

If understanding the modifications your child needs to access the tests means that we process details of their special education needs (SEN) which is special category personal data, the legal basis for its processing is:

- GDPR Article 9 (2) (g) which states that processing is necessary for reasons of substantial public interest (the requirement of the DfE to provide modified versions of test materials and access arrangements, to ensure that the tests are accessible to as many pupils as possible).

The statutory basis for these tests (except for the key stage 1 English grammar, punctuation and spelling which is not statutory) is the [Education \(National Curriculum\) \(Specified Purpose\) \(England\) Order 2015](#).

3 What personal data will be collected?

STA and NFER will use the following types of information about your child:

- Name
- Date of birth
- Gender
- Unique pupil number
- Home language
- Any modified arrangements they need which may also include details of their special educational needs.

4 How will personal data be obtained

STA will provide NFER with an extract of school census data for all participating schools.

NFER will ask those schools to review and update the census data where necessary. This will include adding details of any pupils who have joined the school since the census data was submitted.

NFER will also ask schools to provide details of special arrangements that individual pupils might require (enlarged tests, coloured test papers, readers, scribes and/or additional time) to enable the pupils to access the tests. NFER will also collect the names of pupils who are exempt from taking the test if they are working below the standard of the test or are excused from the test for any other reason.

Once pupils have completed the assessments, NFER will give the following data to STA :

- Pupil name and background data (date of birth, gender, UPN, SEN and home language)
- Test attendance data by pupil is shared so that STA know which pupils from the sample have taken the tests
- Data for pupils' access arrangements is shared with STA
- Pupils' test results are sent to STA so they can analyse whether the tests are operating appropriately for pupils

STA will use the test results and pupil background data to determine which questions in the tests are suitable, taking pupils' background characteristics into account, for the purposes of developing appropriate tests for use nationally by other pupils in the future. The results of the tests will not be published, and no individual school or pupil will be identified in any reports produced by STA or NFER.

5 Who will personal data be shared with?

NFER uses two sub-processors to support its delivery of the technical pre-tests. Pupil names, date of births and school names are shared with our secure and confidential print sub-contractor Stephen Austin. NFER uses UK based Dudobi servers to host the Online Marking System used to mark the assessments. Pupil data is not shared with any other organisation, unless there is a legal obligation to do so.

6 Is personal data being transferred outside of the European Economic Areas (EEA)?

No personal data is transferred or stored outside of the EEA. All data will be hosted within the UK.

7 How long will personal data be retained?

Data is not kept any longer than necessary and is deleted in accordance with NFER's and STA's internal policy.

NFER will keep a copy of pupil data until March 2023 at which point it will be securely deleted.

STA will only keep personal data for as long as it is needed for the purpose of the trialling of the technical pre-tests. STA will retain the data for no longer than necessary, in accordance with the law, and will systematically review and manage retention. The data will be securely destroyed once it is no longer required. Please note, under section 33 of the Data Protection Act 1998, and in compliance with the relevant conditions, STA can lawfully keep personal data processed purely for research purposes indefinitely.

8 Individual rights

Under the Data Protection Act 2018, you are entitled to ask if we hold information relating to your child. You can read further information about your data protection rights at the [Information Commissioner's Office](#). Under certain circumstances, you have the right:

- to request access to information that we hold about your child (subject access request)
- to have your child's personal data rectified, if it is inaccurate or incomplete
- to request the deletion or removal of personal data where there is no compelling reason for its continued processing
- to restrict our processing of your child's personal data (for example, permitting its storage but no further processing)
- to object to our processing
- not to be subject to decisions based purely on automated processing where it produces a legal or similarly significant effect on your child.

9 Who can I contact about this project?

STA, as an executive agency of the Department for Education (DfE), determines the purposes and means of processing personal data as part of this project. If you have any questions about how STA uses your child’s personal information, please [contact DfE](#) and quote ‘NFER – technical pre-trial use of data’.

If you want to contact the Data Protection Officer (DPO), please [contact DfE](#) and mark it ‘for the attention of the DPO’.

NFER is responsible for the day-to-day management of this project. Contact the project team by email with any queries:

KS2 technical pre-test - STCV@nfer.ac.uk

KS1 technical pre-test - STCU@nfer.ac.uk

If you remain dissatisfied, you have the right to lodge a complaint about data protection issues with the Information Commissioner’s Office (ICO) at <https://ico.org.uk/concerns/>.

10 Updates

We keep this privacy notice under review to make sure it is up to date and accurate.

This privacy notice was updated in February 2022 to include Stephen Austin as a sub-processor who personal data will be shared with.

This privacy notice was updated in March 2022 to confirm that all data will be hosted with the UK.

The date when this privacy notice was last updated is shown in the footer at the bottom of this document.

