

Date: 26 February 2024

IC-287839-Y2X4

Request

You asked us:

"I am writing to seek advice in regard to the updated Data Protection Impact Assessment completed by the Department for Education in January 2024 for their daily automated collection of pupil attendance data.

I am aware that the ICO previously raised concerns about the collection of this data. Following the publication of the updated DPIA by the DfE in January 2024, I would be grateful if you could confirm whether the ICO's earlier concerns have now been addressed or if any updated advice or guidance has been prepared for the DfE. I note in particular that the DfE's retention period of 66 years, which was previously an area of concern for the ICO, has now increased to retirement age +3 years (currently calculated at 70 years); I would be grateful for the ICO's view on this change.

I previously submitted the above query and was advised by Case Officer, Zachary Henshaw, that an updated opinion on this DPIA had not been issued and is not something the ICO would actively publish. However, I was advised to make an FOI request in for data relating to the ICO's consideration of the DfE's updated DPIA published in January 2024.

Any information you can provide will be much appreciated."

We received your request on 12 February 2024. We have handled your request under the Freedom of Information Act 2000 (the FOIA).

Our response

In January 2024, the Department for Education published the latest version of its [DPIA for its school attendance data collection programme](#). You have commented on the change in the proposed retention period asked whether we hold any data

concerning the change. I can confirm that we do not hold any information in scope of your request.

You may be interested to know that during my consultation with the ICO team who has been considering this matter, they have informed me that we had expressed a concern that the reasoning for the length of the retention period wasn't fully explained in the DPIA.

However, they have advised that the current version addresses our prior concerns, as the reason for the retention period has now been articulated. For clarity, whether the retention period is '66 years' or 'retirement plus three years', our expectations for the reasoning of such similar timescales would be materially the same.

With the above in mind, we have not issued any further guidance nor is it our present intention to issue any further guidance regarding this matter.

This concludes our response to your request.

Next steps

You can ask us to review our response. Please let us know in writing if you want us to carry out a review. Please do so within 40 working days.

You can read a copy of our full [review procedure](#) on our website.

If we perform a review but you are still dissatisfied, you can complain to the ICO as regulator of the FOIA. This complaint will be handled just like a complaint made to the ICO about any other public authority.

You can [raise a complaint](#) through our website.

Your information

Our [privacy notice](#) explains what we do with the personal data you provide to us, and sets out [your rights](#). Our [Retention and Disposal Policy](#) details how long we keep information.

Yours sincerely



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