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

2011 No.

STATISTICS BOARD

The Statistics and Registration Service Act 2007 (Disclosure of Pupil Information by Welsh Ministers) Regulations 2011

Made - - - - ***

Coming into force in accordance with regulation 1

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

In accordance with section 47(8)(a) of that Act these Regulations are made with the consent of the Welsh Ministers.

In accordance with section 47(9) of that Act the Minister for the Cabinet Office and the Welsh Ministers 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 the disclosure 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, commencement and interpretation

1.—(1) These Regulations may be cited as the Statistics and Registration Service Act 2007 (Disclosure of Pupil Information by Welsh Ministers) Regulations 2011 and come into force on the day after the day on which they are made.

(2) In these Regulations—

"the Act" means the Statistics and Registration Service Act 2007;

"the 1996 Act" means the Education Act 1996(**2**);

"pupil" has the meaning given by section 3 of the 1996 Act(**3**);

(**1**) 2007 c.18.
(**2**) 1996 c.56.
(**3**) Section 3 was amended by section 57 of, and paragraph 9 of Schedule 7 to, the Education Act 1997 (c.44); and section 215 of, and paragraph 34 of Schedule 21 to, the Education Act 2002 (c.32).

"registered pupil" has the meaning given by section 434 of the 1996 Act(**4**);

"school" has the meaning given by section 4 of the 1996 Act(**5**); and

"unique pupil number" means a combination of numbers and letters which are allocated to a pupil and are particular to that pupil, by use of a formula determined by the Welsh Ministers.

Disclosure of individual pupil information

2. The Welsh Ministers may disclose to the Statistics Board the following information held about individual pupils—

(a) the pupil's—

(i) unique pupil number and any former unique pupil number;

(ii) surname;

(iii) first name;

(iv) middle name or, if more than one, each middle name;

(v) gender;

(vi) date of birth;

(vii) ethnic group and source of that information; and

(viii) date of admission to the school referred to in sub-paragraph (d);

(b) the postcode of the home where the pupil normally resides;

(c) the pupil's level of fluency in English, where the pupil's first language is neither English nor Welsh; and

(d) the name of the school at which the pupil is a registered pupil; or where the pupil is registered at more than one school, the name of the school that the pupil mainly attends.

Purposes for which disclosure is authorised

3. Information disclosed under regulation 2 may only be used by the Statistics Board for either or both of the following statistical purposes—

(a) the production of population statistics under section 20 (production of statistics) of the Act;

(b) the assessment of census returns under the Census Act 1920(**6**).

Restriction on further disclosure of personal information

4. In the application of section 39(4)(**7**)of the Act to personal information which is disclosed to the Statistics Board under regulation 2—

(a) paragraph (a) applies only to the extent that—

(i) a disclosure is required by any enactment; or

(**4**) Section 434 was amended by section 140 of, and paragraph 111 of Schedule 30 to, the School Standards and Framework Act 1998 (c.31); and article 5 of, and paragraph 7 of Schedule 2 to, the Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (SI 2010/1158).

(**5**) Section 4 was amended by sections 51 and 57 of, and paragraph 10 of Schedule 7 to, the Education Act 1997 (c.44); section 215 of, and part 3 of Schedule 22 to, the Education Act 2002 (c.32); article 2 of, and paragraph 97 of Schedule 1 to, the Apprenticeships, Skills, Children and Learning Act 2009 (Consequential Amendments) (England and Wales) Order 2010 (SI 2010/1080) and section 95 of the Childcare Act 2006 (c.21).

(**6**) 1920 c.41.

(**7**) Section 39(4)(g) was repealed by section 20 of, and paragraph 5 of Schedule 1 to, the Counter- Terrorism Act 2008 (c.28).