

Data protection statement regarding EEF evaluations

05 February 2019



I. About the EEF

The Education Endowment Foundation (EEF) was founded in 2011 by lead charity The Sutton Trust in partnership with Impetus Trust, with a £125m grant from the Department for Education. As an independent charity dedicated to breaking the link between family income and educational achievement, the EEF aims to raise the attainment of 3-18 year-olds, particularly those facing disadvantage, develop their essential life skills and prepare them for the world of work and further study.

We take data protection very seriously and aim to be fully compliant with the General Data Protection Regulation (GDPR) and Data Protection Act 2018. Our ancillary data processing activities and related safeguards are detailed in the [privacy notices](#) published on our website.

Our core activities focus on funding high-quality evaluations of what works in improving teaching and learning; supporting teachers and school leaders with free, independent and evidence-based resources; and continuously improving methodological approaches to evaluating the impact of educational interventions. We mainly fund randomised controlled trials of promising programmes and approaches, but also pilots, quasi-experimental studies and other evaluation projects. We then support schools (including early years and post-16 settings) across the country in scaling up evidence to achieve the maximum possible benefit for young people. All our evaluation reports are published under Crown Copyright and information contained in them can be reused free of charge in any format or medium under the terms of the [Open Government Licence](#).

II. About this document

The EEF does not process any personal data for evaluation purposes. Evaluation data are processed a) during the evaluation project, by independent evaluation teams and intervention delivery teams and, b) after the evaluation project has been completed and the data archived, by the EEF's archive manager. Privacy notices for each individual evaluation project are issued by independent evaluation and/ or delivery teams at the start of the project. The privacy notice of our archive manager (data processor), [FFT Education](#) (FFT), can be found [here](#).

In the interest of transparency and clarity, the purpose of this document is to describe EEF's approach to data protection with regards to its evaluation activities, although the EEF does not itself process any personal data for evaluation.

III. EEF evaluation activities

In order to gather high-quality evidence of what works in improving teaching and learning, the EEF funds high-potential and promising interventions (providing grants to delivery or developer teams), and, in parallel, independent evaluations of these interventions (offering grants to evaluation teams). The delivery team and the evaluation team work closely together throughout all project phases, with evaluation decisions made by the evaluator and guided by publicly available EEF best practice policies. In most EEF-funded evaluations, the independent evaluator collects data from schools (or other educational settings) implementing the intervention, as well as from control schools ('business as usual'), in order to estimate the extent to which any impact identified is related to the intervention. Depending on the project, data may also be collected directly from pupils, teachers or parents using methods such as surveys, interviews or lesson observations. As the EEF is primarily interested in the impact of interventions on educational attainment, EEF evaluators also access pupil data from the [National Pupil Database](#)¹ (NPD), held by the Department for Education (DfE). These data are linked, either by the evaluator or by DfE, to data collected from schools in order to gain a better understanding of the factors that contribute to the success of an intervention, raise attainment and reduce educational disadvantage. In some cases, the delivery team may also have access to evaluation data (for instance, if they collect some of the data themselves).

The data are analysed by the evaluators according to protocols and statistical analysis plans agreed and published in advance on EEF's website, the results being presented in reports that are also publicly available on the [EEF website](#). In keeping with our mission and commitment to openness and transparency, all EEF evaluation reports are published openly, regardless of the results.

Data collected as part of EEF-funded evaluations are archived in order to estimate the long-term impact of the interventions, to better understand variation in children's outcomes across evaluations, and to improve the methodological approaches we use to evaluate this impact. The EEF data archive is managed by [FFT Education](#) (FFT). At the end of an evaluation, the

¹ Links active at the time of publication.

independent evaluator submits the data directly to FFT via a secure portal, for storing in a UK environment compliant with the Government's 14 Cloud Security Principles².

FFT provides anonymised data extracts to EEF's designated archive evaluator (currently based at Durham University) for the purpose of conducting secondary and longitudinal data analyses in order to track impact over time (using additional matching to NPD data obtained from the DfE), check data archive integrity and produce methodological outputs for the EEF Evaluation Advisory Board. EEF evaluation data may also be shared, in an anonymised form, with other research teams for secondary research purposes³.

IV. Roles and responsibilities for data processing

For the purpose of EEF evaluations, relevant parties have the following roles and responsibilities:

- independent evaluators: **data controllers** throughout the evaluation period, up to and including successful submission of evaluation data to the archive (having passed internal FFT checks) and deletion of the data; independent evaluators must be able to demonstrate GDPR and Data Protection Act 2018 compliance for all data processing carried out during the data collection, evaluation and archive submission stages;
- developers (delivery teams): joint **data controllers** when they make decisions together with the evaluators about what data will be collected and how they will be processed, in which case they will also share data controller responsibilities up to the point of data archiving and deletion; in some cases, developers may be **data processors** for specific types of data (e.g., recruitment);
- third parties such as external test markers working with evaluators: **data processors**
- EEF: **data controller** for the archive
- FFT: **data processor** for the archive

² At the time of writing, a process is being agreed with the DfE and the Office for National Statistics (ONS) for transferring the EEF archive to the ONS. Once this is in place, evaluators will submit data to the DfE for matching to NPD attainment data, after which the DfE will release the matched data to the ONS. The evaluators will analyse the data via the ONS Secure Research Service (SRS). The datasets will, in time, be added to the EEF archive, also hosted by the ONS SRS and managed by EEF's data processor for the archive.

³ Once the EEF archive has been transferred to the ONS, it is intended that it will be accessible to the wider research community for secondary analyses that provide public benefit and are in line with the missions of the EEF, DfE and ONS.

- overarching designated archive evaluator: **data processor**
- other research teams potentially accessing anonymised data extracts from the archive for secondary analysis: **data controllers** or **data processors**, depending on the specifics of their role and the project

Note. The principle of independent evaluation is at the core of EEF’s activities and mission. Although we publish guidance and advise on evaluation design in the interest of quality, comparability across projects and relevance for school leaders and policy makers, independent evaluators determine the purposes and means of processing personal data for EEF evaluations. They determine the legal basis for processing and the procedures for collecting, storing and analysing the data. Whilst we do have preferred approaches established in consultation with the Evaluation Advisory Board and Panel of Evaluators, we rely on the independent evaluators to advise on the most appropriate decisions in line with our mission statement, delivery practicalities and any co-funding conditions. Final decisions regarding evaluation design with relevance to data processing are made by the evaluator, in discussion and collaboration with the developer or delivery team, with the EEF mediating discussions and promoting best practice. EEF evaluations are funded by independent research grants. As such, responsibility for the processing of personal data during the evaluation project lies with the evaluator (and, where applicable, the delivery team) up to the point of archiving and deleting the data from the evaluator’s and developer’s records. The EEF becomes data controller for the evaluation data once the datasets have been archived and internal quality checks have been completed successfully by the archive manager.

Data processing roles and responsibilities are specified in relevant project documents (e.g., as applicable, information sheets for schools and parents, memorandum of understanding, data sharing agreement, evaluation protocol, evaluation report). The responsibility for this lies with the independent evaluators (and, where relevant, delivery teams).

Independent evaluators (as sole data controllers) or independent evaluators and delivery teams (as joint data controllers) are also responsible for: obtaining ethical approval for the project from their own institutions; communicating relevant details to schools and parents about data processing activities and parties who will have access to the data; obtaining ethical agreement to participate in the intervention from the schools (typically through a memorandum of understanding signed by the head teacher or equivalent); collecting withdrawal forms from any parents who would prefer their child’s data not to be included in the evaluation (or from the pupils/ students themselves, if appropriate); clarifying to parents and/ or pupils that they can withdraw from data processing at any time, and how they can do this.

Roles and responsibilities related to the archive are specified in an agreement between the EEF and FFT, while responsibilities regarding secondary analysis and archive evaluation are specified in a separate contract between the EEF and Durham University.

NPD data are accessed by independent evaluators and the EEF through a [rigorous application process](#), requiring details of safeguards to protect the rights and freedoms of the pupils.

V. Data sharing

The types of data collected on our evaluations vary from project from project, but the majority of evaluations will collect data on attainment or non-cognitive skills, as well as participant background data (such as economic disadvantage and gender). Details about the project aims and types of data collected will be detailed in the recruitment documents and privacy notices for each specific project.

In line with the data sharing activities described in previous sections, we recommend the following text is adapted as needed and included in all recruitment documents and information sheets for parents and schools, alongside other relevant information:

The project involves [insert details of activities involved and their aims]. Pupils will be asked to [insert data collection procedures, as applicable]. The responses will be collected by [test administrators, if applicable] and accessed by [evaluator]. For the purpose of research, the responses will be linked with information about the pupils from the National Pupil Database (NPD) and shared with [delivery partner, if applicable], the Department for Education, the EEF's archive manager and, in an anonymised form, with the Office for National Statistics and potentially other research teams. Further matching to NPD and other administrative data may take place during subsequent research. Your child's data will be treated with the strictest confidence and [insert safeguards in place to protect their data], in line with [insert details of GDPR and Data Protection Act 2018 compliance]. We will not use your child's name or the name of the school in any report arising from the research. We expect that your child will enjoy their involvement in the project, and they will be free to withdraw at any time. If you would prefer your child NOT to take part in any project testing [if applicable], or their data not to be processed as above, please inform [contact details and withdrawal procedures, e.g., withdrawal form attached]. If you would like more information about this project, please contact [delivery partner contact details].

VI. Accountability

All our data processing activities are conducted according to the principles listed in [Article 5 \(1\)](#) of the GDPR, as summarised below. Although we respect these principles in all areas of data processing, we summarise our compliance here with emphasis on our core evaluation-related activities.

a. *lawfulness, fairness and transparency*

EEF evaluation data are processed by the archive manager on the basis of *legitimate interests*, according to the GDPR, [Article 6](#), Paragraph 1(f), taking responsibility for protecting the fundamental rights and freedoms of the data subjects, and ensuring their interests are protected at all times. We have conducted purpose, necessity and balancing tests and have concluded that the data processing is necessary for the purpose of fulfilling our legitimate interests, which could not be pursued through other means. These legitimate interests include gathering data about what educational interventions work best, under what conditions, for what participants, with a view to increasing attainment and reducing educational disadvantage, as well as measuring the long-term impact of those interventions, continuously improving our methodological approaches and publishing independent findings free of charge for the benefit of schools, the research community and wider society. These legitimate interests have been carefully balanced with the interests of the data subjects (typically, pupils) and the archive only processes personal data in line with the purposes communicated to the education settings and participants (or their parents/ guardians), giving them the option to withdraw from data processing at any time with no consequence.

Occasionally, the EEF, via the FFT-held archive, also processes special categories of personal data from evaluations according to the GDPR, [Article 9](#), Paragraph 2(j), which specifies that processing is necessary for 'archiving purposes in the public interest, scientific or historical research purposes or statistical purposes'. This processing is carried out with appropriate safeguards for protecting the rights and freedoms of the data subjects, according to the GDPR, [Article 89](#).

The data are analysed by the evaluators according to protocols and statistical analysis plans agreed and published in advance, the results being presented in reports that are publicly available on the [EEF website](#). In keeping with our mission and commitment to openness and transparency, all EEF evaluation reports are published, regardless of the results.

b. *purpose limitation*

The purposes for which the data are collected are specified by the external evaluators in all relevant project documents, including information sheets for schools and parents/ guardians and memoranda of understanding. These purposes are in line with our mission and principles outlined in this document, which we represent in our mediation of decisions made by independent evaluators and delivery teams.

c. *data minimisation*

We only process the minimum amount of data necessary for carrying out our core activities of gathering robust evidence of what works in improving teaching and learning, providing free, evidence-based resources to teachers and school leaders, and continuously improving our methodological approaches to evaluating educational impact. We advise independent evaluators to observe this principle at the set-up stage of an evaluation and, whilst the ultimate decision is theirs, we strongly recommend that data collected for the evaluations we fund are kept to an absolute minimum.

d. *accuracy*

Our independent evaluators are responsible for ensuring that evaluation data are accurate and rectified without delay before being submitted to our archive. FFT, as archive manager, has procedures in place to check that the datasets submitted to the archive comply with the required data specification and data protection safeguards. Additional due diligence and quality assurance is carried out by our designated archive evaluator, who uses anonymised extracts of the data submitted to the archive to verify and replicate the analyses conducted by external evaluators.

e. *storage limitation*

Currently, evaluation data are retained in the archive indefinitely, with the exception of names and pupil identifiers⁴, which are retained until the end of the academic year in which the pupil reaches age 20. The anonymous pupils matching reference (PMR) is retained indefinitely. The purpose of retaining data for these periods of time is to enable researchers to track the impact of our projects on attainment at subsequent educational stages, with a view to better understanding the effectiveness of different teaching and learning approaches on increasing

⁴ The intention is that the archive transferred to the ONS will not contain any personal data that can be used to identify any individual pupil. The PMR, gender, month and year of birth will be retained to enable longitudinal and sub-group analyses without identifying any individual pupils.

attainment and reducing educational disadvantage. Anonymised data extracts provided for secondary analysis are deleted within three years from the date outputs are produced.

f. *integrity and confidentiality*

FFT has strict procedures for protecting the integrity and confidentiality of the data processed on behalf of the EEF. Independent evaluators submit data to FFT via a secure encrypted portal to be stored in a UK environment compliant with the Government's 14 Cloud Security Principles. Full password protection, anti-virus and back-up functionality protect the data archive against unauthorised or unlawful processing and against accidental loss or damage.

As stipulated in [Article 5 \(2\)](#) of the GDPR, we have policies and procedures in place to demonstrate compliance with these principles. In addition to our [privacy notices](#) referred to above, we have an internal data protection policy, a data breach assessment and reporting policy and a Data Protection Executive Group that meets regularly to assess risk and agree any necessary additional safeguards. We are monitoring the data protection compliance of our archive manager and have stipulated their responsibilities as data processor in a bilateral agreement that is reviewed regularly. We also have agreements in place with the independent evaluators, which state that all data processing activities must take place in accordance with the current Data Protection Act and GDPR. We are also asking independent evaluators that they clearly specify and justify their legal bases for processing personal and any special data, data processing roles, parties with access to data and retention periods, in all relevant project documents. These documents include, as applicable, expressions of interest, evaluation proposals, information sheets for schools and parents/ guardians, memorandums of understanding, data sharing agreements, evaluation protocols and evaluation reports.

VII. Frequently asked questions

This section clarifies our position regarding frequent questions we have received from evaluators, delivery teams and schools

1. What are the typical legal bases for processing personal data for EEF evaluations?

All legal bases for processing personal data listed in the GDPR are equally valid, but not all of them will be available in all situations. Choice of legal basis depends on the purpose of processing and the relationship that the data controller has with the individual (or data subject). In all EEF evaluations, it is the responsibility of the evaluator to choose and justify the legal basis that is most appropriate for their data processing activities.

EEF evaluators processing **personal data** are most likely to rely on **legitimate interests** (in the case of research organisations, cf. GDPR, [Article 6](#), paragraph 1f), **public interest** (in the case of public bodies, such as universities, cf. GDPR, Article 6, paragraph 1e)⁵ or **opt-in consent** (GDPR, Article 6, paragraph 1a).

For processing **special categories of personal data**, EEF evaluators typically rely on the ‘**research exemption**’ (GDPR, [Article 9](#), paragraph 2j, which specifies that processing is necessary for ‘archiving purposes in the public interest, scientific or historical research purposes or statistical purposes’) or **opt-in consent** (GDPR, Article 9, paragraph 9a), with appropriate safeguards specified in GDPR [Article 89](#).

As highlighted by the Information Commissioner’s Office (ICO), consent is not necessarily the most appropriate choice of legal basis, and it is not inherently better or more important than the other options⁶. Where consent is used, evaluators will have to be certain that they can meet the high standards GDPR demands for it (that is, freely given, specific, informed and unambiguous, including some form of clear affirmative action or ‘opt in’), and that the use of opt-in consent will not interfere with the data processing purposes.

2. What is ethical agreement to participate in a research project, and how is it related to data protection?

Ethical agreement to participate in a research project should not be confused or conflated with the legal basis for processing data in an evaluation.

Ethical agreement for a school to participate in a project is usually provided by the headteacher on behalf of parents or legal guardians, as part of their normal decision-making regarding teaching methods or resources used in their school. If a headteacher decides that their school will start using a specific teaching method (or take part in a study, which may or may not mean receiving an intervention), children (or parents/ guardians, on their behalf) do not typically contribute to this decision. In order for the headteacher, or a nominated school representative, to decide whether the school will take part in a project, they will need full information about the project, including timelines, responsibilities, procedures, ethics and data protection. This information will also be communicated to parents through typical school information channels, and will have informed the evaluators’ application for ethical approval for the project.

When the impact of a project is evaluated (such as in an EEF trial), the evaluator – in conjunction with their legal and data protection teams – will need to determine the legal basis

⁵ See the ICO guidance on [legitimate interests](#) and [public tasks](#).

⁶ In the ICO’s words, ‘If consent is difficult, this is often because another lawful basis is more appropriate, so you should consider the alternatives (see ICO’s [GDPR FAQs for the Education Sector](#)).

for processing data as part of this evaluation, and specify the safeguards they have in place to protect the rights and freedoms of the data subjects. Relevant details will need to be included in the documents sent to the schools, parents and, when applicable, pupils. Headteachers (or equivalent) will use this information about the evaluation and the project overall to decide whether their school will participate, and a positive decision will be reflected in signing a Memorandum of Understanding (MoU). While parents or pupils would not typically be in a position to decide whether a school participates in a project, they do have the right to withdraw from data processing (that is, pupils may receive the intervention – or ‘business as usual’, if part of a control group – but their data will not be accessed or included in the evaluation). They must be given the opportunity to do so when information about the project is communicated to them (e.g., by the inclusion of withdrawal forms relevant to the data processing phase and contact details for further information).

It is recommended that evaluators avoid the use of terminology associated with consent when referring to ethical agreement, in order to avoid confusion with the legal basis for processing data.

3. How can evaluators ensure that sending personal data to the EEF archive is lawful?

At the end of an evaluation, evaluators are expected to submit data to the EEF data archive managed by FFT. To comply with principle 1 of GDPR (processing is fair, lawful and transparent), evaluators must inform participants at the start of the project that this data transfer will be taking place, in addition to any other data sharing being planned. (See also the Data sharing section above.)

Data should be transferred to FFT using their secure portal, and following the procedures and specification provided by the FFT. Once evaluators have shared the data with FFT, their processing activities are complete and they should securely delete any personal data relating to the trial within the relevant retention periods. The evaluators’ data controller responsibility ceases once the data have been deleted from all their records.

Once the data is transferred to the FFT and passes internal quality checks, the EEF becomes data controller and is responsible for determining the purposes and means of data processing.

4. How can evaluators reassure schools who raise concerns about consent not being collected for the research?

Evaluators should be prepared to describe the procedures and safeguards they have in place to demonstrate compliance with current data protection legislation, including GDPR. This includes the legal bases for processing personal and special data, and the justification for

these bases. They should be able to set out how they are meeting the requirements for increased transparency and accountability under GDPR and how they, as data controllers, have taken individuals' rights into consideration in the planning and execution of evaluations.

These details must be included in project documents sent to participants at the project initiation stage. For projects that started before GDPR became enforceable in the UK (May 2018), where the legal basis for processing may have changed, the new legal basis for processing and related safeguards must be communicated transparently to participants, who have the right to withdraw from data processing, as specified above.

Evaluators can also provide reassurance with regards to their organisational secure configuration, encryption arrangements, patch and software version management, up-to-date malware protection, description of access rights and details of any certification to ISO 27001 or other relevant standards.

VIII. Contact details

Education Endowment Foundation (EEF)

Millbank Tower, 21-24 Millbank, London SW1P 4QP

Email: info@eefoundation.org.uk

Telephone: 0207 802 1676

If you have any questions or concerns related to this document, please get in touch with the relevant contact below:

EEF's approach to data protection:

Anne-Laure Bedouet, Chair of the Data Protection Executive Group

Anne-Laure.Bedouet@eefoundation.org.uk

Telephone: 020 7802 1676

EEF's approach to evaluation and archiving:

Camilla Nevill, EEF Head of Evaluation

Camilla.Nevill@eefoundation.org.uk

Telephone: 0207 802 1651

EEF data archive management:

Gordon Brown, FFT Director of Data and Analyses

Gordon.Brown@fft.org.uk

Telephone: 0144 677 6262

UK data protection legislation and compliance:

The Information Commissioner's Office (ICO), <https://ico.org.uk/global/contact-us/>