

HeadStart and GDPR: Answering your questions

- 1. Since the GDPR is clear that when using consent as the legal basis for processing data consent must be positive opt-in, why is the national HeadStart evaluation still collecting opt-out consent from parents of participating young people?**

Because we are not relying on consent as the legal basis for processing the data. In order for us to legally *process* the data provided by young people as part of the research, we are relying on public interest (GDPR; article 6 1 e; article 9 2 j). In fact, the consent that we ask parents for is for a distinct part of the evaluation- the ethical governance of the research process.

- 2. What's the difference between ethical governance and data processing?**

Ethical governance designed to protect the dignity, rights, safety and wellbeing of research participants. For example, we must seek to inform parents about whether any part of the research process is potentially harmful to young people, or whether any of the questionnaires might be upsetting or embarrassing for young people if they take part. Their consent is sought on the basis of this information and aspect of the research.

GDPR refers only to the processing of the data relevant to the project and therefore doesn't cover all of the aspects mentioned above. As described in (1) above, the legal basis for processing the data is public interest.

- 3. Can parents (or young people) request that their data no longer be processed?**

Legally, we do not have to cease processing data if our legal basis for processing is public interest. However, we would always remove young peoples' data if they (or their parents) requested because *ethically* (as opposed to legally) we could not refuse.

- 4. Would the online survey fall into the definition of 'information society systems' (ISS)?**

We are asking children to complete a survey about their mental wellbeing - this happens to be completed online but is not an ISS per se. Therefore, we do not need to obtain parental consent to process their child's data.

"Information society services' includes most internet services provided at the user's request, normally for remuneration. The GDPR emphasises that protection is particularly significant where children's personal information is used for the purposes of marketing and creating online profiles."
<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/applications/children/?q=online>

- 5. Under what legal basis can the local partnerships share Who Received What information with the national evaluation team (EBPU)?**

Essentially this is also public interest; partnerships would like to know what kind of support is most effective and how best to support young people's mental wellbeing. *However, this is a local IG decision.* We will have data sharing agreements between local partnerships and the national evaluation team in place that specify what data sets will be shared with who and for what purpose.

Note: The research will not infringe on the rights or interests of the data subjects (children) and the data set will be held securely by Manchester, shared in a pseudonymised format for the same use locally. It will be anonymised and used for up to 20 years after the study ends and this data will not fall under GDPR restrictions for processing as it is not identifiable personal data.