



Data protection information and guidance for YEF evaluations

Guidance for projects and evaluators

About this guidance

At the Youth Endowment Fund, we take data protection very seriously. Our projects will often involve the processing of highly sensitive and personal data. We want to make sure that data is used in a way that is fair, lawful, and transparent at all stages of our work.

This guidance is to help all those working on YEF funded projects to: understand how participants' personal data should be processed for the purposes of YEF evaluations; and, identify the most appropriate lawful basis in the GDPR and the Data Protection Act 2018 for processing participant personal data.

About the Youth Endowment Fund

The Youth Endowment Fund (YEF) is an independent charity with a £200m endowment and a mission that matters. We're here to prevent children and young people becoming involved in violence. We do this by finding out what works and building a movement to put this knowledge into practice.

In building and sharing knowledge about what works, we'll help people in power make good decisions based on evidence. That means we won't just be providing short-term funding. We'll be using what we know to make lasting and sustainable change.

The YEF will run for a minimum of 10 years and our core purposes are to:

- support and evaluate the delivery of promising programs aimed at preventing high-risk children and young people from being involved in crime and violence; and
- act as a centre of expertise, generating, disseminating and promoting new knowledge and practice aimed at transforming local and national responses to tackling serious violence.

Our approach to evaluation

The core of the YEF's mission is to evaluate what works to reduce the number of children who offend. We do this through:

- **Evaluation:** conducting independent rigorous evaluation of the projects we fund over the evaluation period, looking at a range of offending and intermediate outcomes; and,

- **Long-term follow-up:** collecting, storing, and archiving data on participants so they can be followed-up and their outcomes assessed against criminal justice records in future years.

Evaluation

The YEF funds organisations running projects or other relevant activities (the **grantees**). These projects must have a credible theory of change or existing evidence that suggests they may lead to reductions in youth offending. Project delivery will vary in length but in the launch round most have been funded for two years. For each project, the YEF contracts with a third-party evaluator (the **evaluator**) to assess the project's impact over the evaluation period. The grantee and evaluation teams work closely together throughout all phases of the project. The evaluation decisions are made by the evaluator, in collaboration with the grantee and the approach signed-off by the YEF.

The YEF's approach to evaluation is broadly in-line with [EIF's 10-steps to evaluation success](#) framework. In the initial funding rounds this involves commissioning three types of evaluation:

- **Feasibility Studies** - to test whether an intervention can achieve its intended outputs, including both the intervention's core activities, as well its ability to recruit and retain its intended participants.
- **Pilot Studies** - relatively small-scale evaluations which investigate an intervention's potential for improving its intended child outcomes. YEF Pilot studies involve at a minimum:
 - the use of validated measures to measure pre- and post-intervention change;
 - an adequate sample size based on the intervention's anticipated effects;
 - methods for recruiting and retaining participants from the intervention's target population; and,
 - the application of analytic methods for determining whether changes in child outcomes are statistically significant.
- **Efficacy Studies** - rigorous evaluations designed to determine if an intervention works under ideal circumstances. Key aspects of efficacy studies include:
 - the use of a comparison group and methods such as random assignment or quasi-experimental approaches to reduce potential sources of study bias;
 - strategies for reducing all sources of potential bias throughout the duration of the efficacy study; and,

- strategies for increasing the likelihood that the study will take place under ideal circumstances.

All YEF pilot and efficacy studies use valid and reliable outcome measurement. In addition to allowing evaluators and grantees to choose measures that fit with the project's intended outcomes, YEF also has three core measures that will be used in evaluations when appropriate:

- *Strengths and Difficulties Questionnaire (SDQ)*, which is a brief emotional and behavioural screening questionnaire for children and young people, which can be completed by the young people themselves, their parents or their teacher.
- *Problem Behaviour Frequency Scale (PBFS)* – a measure of non-violent problem behaviour such as suspension from school, truancy, shoplifting and vandalism.
- *Self-Reported Delinquency Scale* – a broad measure of 'delinquency' from the Edinburgh Study of Youth Transitions and Crime which measures involvement in shoplifting, assault, weapons carrying, burglary, truancy and robbery.

To ensure that study results are as comparable as possible, YEF will be producing Statistical Analysis Guidance that provides key principles as well as guidance for the presentation of results and additional analyses.

Long-term follow-up

In addition to assessing the impact of our projects over their evaluation period, we also want to evaluate their impact on long-term offending behaviour. To do this we need collect and store personal data on young people that take part in our funded activities (including any in a comparison or control group) so they can be identified in criminal justice records in the future. **This applies to all participants in pilot or efficacy study and does not extend to projects evaluated at the feasibility stage** – children and young people participating in feasibility studies will not be followed-up long-term.

To do this we are creating an archive of the data collected across the projects we fund. This will be made up of individual young person level data collected as part of YEF funded evaluations. Relevant identifiers will also be collected in order to match YEF participants with their education and criminal justice records. What identifying data is collected will differ.

- For projects delivered in schools, this will include data on pupils' names, gender, date of birth and unique pupil reference number (**UPN**) held by the school.
- For projects not delivered in schools or where UPN's cannot be obtained, children's address will also be needed, along with their name, gender and date of birth.

Evaluators are expected to collect identifying data on only those children who are recruited into the evaluation, at pilot or efficacy stage. The expectation is that pilot and efficacy

studies will seek to recruit all children that take part in the programme over the trial period. Exceptions may be made to this, but only in prior consultation with the YEF and will need to be signed off at the start of projects.

At the end of projects evaluators will securely transfer data to the Department for Education (**DfE**). Using the personal data collected (e.g. name, date-of-birth, UPN etc.) DfE will match children to the records held in the National Pupil Database (**NPD**). Personal data will then be deleted and replaced with their unique Pupil Matching Reference number (**PMR**) held in the NPD. The DfE will then release the 'pseudonymised' data to the Office for National Statistics (**ONS**), where it will be held securely in the Secure Research Service (**SRS**).

A separate project is currently underway between the DfE and Ministry of Justice (**MoJ**) to link together the NPD and Police National Computer (**PNC**). This linked data will be made available via the SRS and it will be possible to link this data to the pseudonymised data on children held in the YEF archive. This will allow future evaluations to assess the long-term impact of YEF funded projects on education (e.g. truancy and exclusions, educational attainment etc.) and offending outcomes. In addition to long-term follow-up, the data held in the archive may be used to conduct:

- quality assurance, reanalysis and methodological exploration across the outputs and results published in the YEF funded evaluation reports; and
- pooled analysis of data from multiple interventions, to explore what works in different geographic areas and for particular subgroups (e.g. gender, ethnicity, child who have experienced periods of care etc) that may be identified from the data collected from the projects themselves or from the linked administrative datasets.

Data managed in the SRS is governed by the [ONS's 'Five Safes' framework](#):

- **Safe People:** researchers must apply to access the information in the archive and must have relevant academic qualifications or work experience. If their application is successful, the researchers will be trained by the ONS in how to use the YEF data and they must pass an assessment. Once a researcher is accredited, the ONS will continue to monitor how they use the data in the SRS.
- **Safe Projects:** there are restrictions on how researchers can use the data. The YEF must give its support to each research proposal and the researcher must demonstrate that the research will serve the public good in one of the ways defined by the ONS. All proposals must also be supported by a recognised ethics panel and will be assessed by the ONS's independent Research Accreditation Panel.
- **Safe Settings:** researchers cannot move any data in or out of the SRS. The ONS use a combination of secure technology, physical security measures, and extensive procedures and protocols to protect the data when it is being used. For example, researchers are unable to access the internet and only approved software can be used.

The ONS also use protective monitoring software, including recording every keystroke made by the researcher.

- **Safe Data:** researchers can only use data that have been de-identified, so they will not be able identify individual people from the data.
- **Safe Output:** once the researcher has completed their project, two members of staff in the ONS's Research Services and Data Access team independently review the research to ensure that individual's privacy and confidentiality is safeguarded. All research must be published.

In addition to the SRS protections listed above, data in the YEF archive will be protected by laws which:

- prevent the information from being used in any way that would be likely to cause substantial damage or distress to an individual (for example, financial loss, physical harm, significant emotional or mental harm); and,
- make it unlawful for anyone to use the data to make decisions or take actions against a person (for example, it would be unlawful for a debt recovery company to use the data in the YEF archive data in order to find out where someone lives).

Ultimately this means data collected on trial participants and stored in the YEF archive cannot be used to identify or target individuals, will only be handled by approved researchers, and will be managed in a secure environment¹. All further analysis of YEF data held in the archive will be for research purposes and for the public benefit, and will have ethical approval.

Roles and responsibilities for data processing

During the evaluation period, evaluators, grantees and potentially any third parties – such as those responsible for referring children to the project – (the **Project Team**) will be responsible for complying with the data protection legislation. The Project Team must:

- i) determine the purposes and means of processing personal data;
- ii) decide which lawful basis to rely on;
- iii) communicate this project participants; and,

¹ For further information on the SRS security arrangements, see the overarching data security and information governance for the SRS in our DPIA for the YEF archive. In addition, links to registration and accreditation can be found with: the ICO ([here](#)); NHS digital ([here](#)); and, as a processor under the Research Strand of the Digital Economy Act ([here](#)).

- iv) ensure they have in place the necessary data sharing arrangements.

When evaluations have finished and evaluators have transferred their data to the DfE, the YEF will become the controller of the personal data. The YEF will not process any personal data for evaluation purposes, this is done by evaluators/grantees during the evaluation period. The main roles and responsibilities are as follows:

- **Evaluators:** controllers of personal data throughout the evaluation period, up to and including successful transfer of the data to the DfE².
- **Grantees:** controllers of any participant personal data collected by the grantee and, potentially, joint controllers during the evaluation period along with the evaluator and any other third parties, such as those involved in referring participants to the programme.
- **Youth Endowment Fund:** controller for the archive following the end of the evaluation period and once evaluators transfer the data to the DfE and on to the ONS.
- **Department for Education:** processor on behalf of the YEF whilst they match children to the NPD. The DfE will only process YEF data for the purpose of pseudonymisation. Once this is completed and data transferred to the ONS, all YEF data will be removed from their systems.
- **Office for National Statistics:** processor on behalf of the YEF for the archive when data is transferred to the SRS. The ONS will process data in the archive only on instruction from the YEF. Processing activity will include, preparing cuts of the archive for future research projects and activity to refresh the PMRs held alongside participants' records.

How is the final dataset supplied for archiving at the end of the evaluation?

At the end of the evaluation period (for pilot and efficacy studies), a single participant level dataset will need to be passed to the DfE. This dataset will need to contain:

- Personal identifying data (e.g. name, date-of-birth, address etc.) as described in this document above;

²For the purposes of being able to write academic papers and/or to conduct further research, data collected on project participants may be retained by the project team at the end of the YEF funded evaluation. It is for the project team to decide when and how data will be anonymised and to ensure compliance with data protection legislation (where applicable) where it is retained after transferring the personal data to the DfE.

- Information on the intervention received (e.g. assigned to treatment or control groups, date or timing of intervention, any assessment of fidelity such as number of sessions completed etc.);
- Any characteristic or contextual information on project participations, used by evaluators in generating results published in the evaluation report; and,
- The main pre-post-test outcome variables used to evaluate the effectiveness of the intervention.

Guidance will separately be prepared for evaluators on the exact specification of this final dataset, how it should be structured, and any metadata supplied.

In many cases, both the evaluators and grantees will be responsible for collecting and processing personal data. The process for archiving we are designing with the DfE requires there to be a single dataset that pulls together all the necessary information specified above prior to transfer. **This should be done by the evaluator.**

In the case of the personal identifying data, evaluators will need to obtain it from project participants or from grantees. The project team will need to ensure all necessary data sharing arrangements are in place so that the evaluator has the necessary data at the end of the evaluation period so that they can transfer it to the DfE.

Lawful basis for processing YEF personal data

Evaluators (and sometimes jointly with grantees) will need to decide under what legal GDPR basis they are processing personal data during the evaluation period. We have prepared the guidance below for the interests of clarity and consistency with the approach that the YEF will take to processing personal data in the archive (see section 9 below). The YEF cannot instruct evaluators and grantees on the correct legal basis to use for processing personal data for YEF funded projects. However, guidance issued by the Information Commissioner’s Office (**ICO**) is clear that using **consent is not always the most appropriate legal basis to use.**

Performance of a task carried out in the public interest

Article 6(1)(e) of the GDPR can be used to process personal data for YEF purposes as:

*processing is necessary for the **performance of a task carried out in the public interest** or in the exercise of official authority vested in the controller*

This is often referred to as the “public task” basis.

Article 6(3) says public task processing must be laid down by EU or Member State law. In the UK, section 8 of the Data Protection Act 2018 (**DPA**) says that the public task basis can cover processing that is necessary for:

- the exercise of a function conferred on a person by an enactment or rule of law; and/or
- the exercise of a function of the Crown, a Minister of the Crown or a government department.

This is not an exhaustive list and [guidance](#) published by the ICO confirms that controllers may have other official non-statutory functions or public interest tasks that entitle them to rely on the public task basis, as long as the underlying legal basis for that function or task is clear and foreseeable. In the case of the YEF, our work is funded by the Home Office in the exercise of their statutory powers to assist victims, witnesses or other persons affected by offences.

The [ICO guidance](#) is also clear that the public task basis can be used by any organisation carrying out a specific task in the public interest. It is not restricted to public authorities – the focus is on the nature of the function, not the nature of the organisation. On this basis, work carried out by grantees and evaluators as part of the YEF project can be a task carried out in the public interest.

Alternative lawful basis

As an alternative to the public task basis, evaluators might consider Article 6(1)(f) of the GDPR – legitimate interests. This is a flexible basis for processing but, as the controller, you must first undertake an assessment to balance the legitimate interests in question against the rights and freedoms of the data subjects (i.e. the children participating in the YEF funded projects).

The ICO recommends that controllers carry out a legitimate interests assessment (**LIA**). This involves applying the following three-part test to the processing activities to be carried out:

- identify the legitimate interests (these can be your own interests, or the interests of a third party such as the Home Office, the YEF, the beneficiaries and/or the public at large);
- apply the 'necessity test' (this involves thinking about whether there is another less intrusive way to achieve the same result); and
- carry out a balancing test to decide whether the impact of the processing on the data subject overrides the legitimate interest (the ICO suggests that controllers think about: the nature of their relationship with the data subject; whether the data is sensitive or private (e.g. criminal offence data); whether children's data is

involved; whether people might find it intrusive; and whether the controller can offer an opt-out).

You can find more information about carrying out an LIA on [this page of the ICO's website](#). Ultimately, it will be for you as the controller to decide whether the legitimate interests test is met.

What about consent?

While it will be for individual evaluators and/or grantees (as the controllers of the personal data) to decide what lawful basis to use when processing personal data, we do not think that consent (Article 6(1)(a) of the GDPR) will be appropriate for YEF purposes in most instances because:

- the GDPR sets a high standard for consent to process personal data, it must be specific and you must name any third party that will rely on the consent – this will not be possible as the YEF data may be used in the future by a variety of approved researchers;
- if consent is used, there is no scope to process the personal data for other compatible purposes under Article 6(4) of the GDPR – the precise ways in which the YEF data will be used for research purposes cannot be known at this stage; and
- the right to request erasure of personal data applies if consent is used as the lawful basis for processing, and there are no grounds for refusing a request if the individual has withdrawn their consent – this runs counter to the core purpose of the YEF to use the data gathered from the projects we fund to evaluate their long-term impacts. This contrasts with the public task basis (where the right to erasure does not apply) and the legitimate interests basis (where controllers may have an overriding legitimate interest to continue the processing). More information can be found in the [ICO's guidance on the right to erasure](#).

The [ICO's detailed guidance on consent](#) specifically states that there is no rule that says you have to rely on consent to process personal data for research purposes, even if you have a separate legal or ethical obligation to get consent from the people who are participating in the research.

Difference between GDPR and ethical consent

In order to obtain ethical approval for a project and to comply with accepted ethical standards for research, researchers will generally need to obtain the informed consent of individual participants for their involvement in the research. GDPR recital 33 notes that research must act in a manner that is 'in keeping with recognised ethical standards for scientific research', and ethical review boards will usually expect informed consent.

In effect in order to use personal data for research you need two bases; the legal basis (GDPR) and the ethical basis (informed consent). For example, a person may be asked to consent to participate in research (ethical basis) and told that, if they agree to participate, data about them will be processed for a task in the public interest (legal basis). Here, the legal basis for data processing will be 'public task' rather than consent.

While consent to participate in a project that is obtained for ethics purposes must be fully informed and freely given, in addition to meeting other requirements, researchers do not need to adhere to the consent rules in the GDPR when obtaining ethical consent.

If evaluators give privacy information to participants (for example, in a privacy notice) it is important to distinguish consent to process personal data under Article 6(1)(a) of the GDPR from any ethical consents that your organisation or institution might require you to obtain.

Lawful basis for processing special category and criminal offence data

We recognise that many YEF evaluations will involve processing special categories of personal data (e.g. information about health, religion, race, and/or ethnic origin) and potentially criminal offence data as well.

When you process these more sensitive types of personal data you must still have a lawful basis under Article 6(1) of the GDPR, but you must also identify an additional basis under Article 9(2) of the GDPR (for special category data) or under Article 10 of the GDPR (for criminal offence data). Both Article 9(2) and Article 10 of the GDPR require a basis in UK law and, as with public task basis discussed above, in the UK this is found in the DPA.

Special category personal data

Special categories of personal data used in connection with the evaluation may be processed under Article 9(2)(j) of the GDPR – processing necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes.

Section 10 of the DPA says that processing meets the requirement in Article 9(2)(j) of the GDPR if it meets a condition in Part 1 of Schedule 1 to the DPA. Paragraph 4 of Part 1 of Schedule 1 sets out the condition that applies to research in particular; it must be:

- necessary for archiving purposes, scientific or historical research purposes or statistical purposes;
- carried out in accordance with Article 89(1) of the GDPR, as supplemented by section 19 of the DPA (see below); and
- in the public interest.

The [ICO's detailed guidance on special category data](#) confirms that the requirement for processing to be "necessary" does not mean that it has to be absolutely essential; it must be more than just useful or habitual and must be a targeted and proportionate way of achieving your purpose. The ICO's guidance also confirms that the public interest requirement covers a wide range of values and principles relating to the public good, or what is in the best interests of society. As long as you can make specific arguments about the concrete wider benefits of your processing, the public interest test will be met.

The reference above to processing being carried out in accordance with Article 89(1) of the GDPR and section 19 of the DPA relates to the safeguards that need to be put in place to protect this kind of personal data. When you are thinking about what safeguards are in place to protect YEF personal data, you can take into account:

- that all participant personal data will be pseudonymised by the DfE before it is transferred to the archive; and
- the aim of the project (i.e. to evaluate the long-term impacts of YEF funded activity) cannot be achieved using anonymised data as that would prevent participant information being matched with data in other relevant data sets in the future (for example, CJS databases).

Criminal offence data

The rules on processing criminal offence data are found in Article 10 of the GDPR and sections 10 and 11 of the DPA. Section 11 of the DPA confirms that references to criminal offence data in the legislation include personal data relating to:

- the *alleged* commission of offences by the data subject (this would include circumstances where participants self-report and/or provide information about offences in their family history); as well as
- proceedings for an offence committed or alleged to have been committed by the data subject or the disposal of such proceedings, including sentencing

In practice, if you are processing criminal offence data for evaluation purposes it is likely that you will process it in the same way as special category data. This is because section 10(5) of the DPA says that processing of criminal offence data meets the requirements in Article 10 of the GDPR if it meets a condition in Part 1, 2 or 3 of Schedule 1 to the DPA. As already set out above, we suggest that the most appropriate basis is the research condition in paragraph 4 of Part 1 to Schedule 1 of the DPA.

How long will data be stored in the archive?

Storage limitation is a fundamental data protection principle and the YEF will only keep the archived data for as long as necessary for the purposes referred to above (i.e. future

evaluations to assess the long-term impact of YEF-funded projects on offending outcomes), as well as other potential uses such as analysis across intervention types and methodological exploration. This approach is in line with the GDPR, which permits storage of personal data for longer periods if the sole purpose is for scientific research, archiving in the public interest or for statistical purposes (Article 5(1)(e) of the GDPR)³.

As it is our intention to construct an archive of project data that will allow for future long-term follow-up and reanalysis, we are not able to specify a specific date or timeframe for deletion. It is our **intention therefore to retain data in the YEF archive indefinitely**. This is consistent with the ICO's view that data can be held indefinitely for research and archiving purposes. However, we will commit to reviewing ever 5 years, following submission to the YEF archive, to see whether there is a continued benefit to storing the data and its potential use in future research.

In his preliminary opinion on data protection and scientific research, published on 6 January 2020, the European Data Protection Supervisor (**EDPS**) acknowledged that there are few guidelines on the application of data protection rules to scientific research. We have referred to the EDPS's preliminary opinion when developing our current approach to data storage, but we note that further work is taking place within the European Data Protection Board (**EDPB**) and national authorities on questions of data retention for archiving and research purposes. We will continue to monitor developments in this area and review our approach to data storage and retention to ensure it continues to reflect the law and best practice in this area.

Will data subjects be able to exercise their rights over data in the YEF archive?

The GDPR gives data subjects certain rights over how their personal data is processed. For example, in certain scenarios they have the right to object to processing, to request erasure of their personal data, and to access their data. Article 89 of the GDPR permits exemptions from some of these rights when personal data are processed for research or statistics, or for archiving purposes in the public interest. In the UK, these exemptions are contained in Part 6 of Schedule 2 of the DPA and they include exemptions from:

- the right of access (i.e. the right to make a subject access request);
- the right to rectification (i.e. the right to correct personal data);
- the right to restrict processing;
- the right to data portability;

³ The [ICO's guidance on storage limitation](#) refers to this exemption and notes that personal data may be stored indefinitely for archiving, research or statistical purposes.

- the right to object; and
- the right to be informed, where personal data has not been collected directly from the data subject.

Some of these exemptions will only apply to the extent that complying with the above provisions would prevent or seriously impair the achievement of the purposes for processing. We will carefully assess how each of these exemptions may apply to the YEF on a case by case basis, where appropriate.

Privacy information and data sharing

Grantees and evaluators will be responsible for providing privacy information to participants (and, where appropriate, their parents or guardians). The privacy information must meet the requirements in Article 13 or 14 of the GDPR (the right to be informed), as well as the [good practice guidance](#) published by the ICO.

Producing privacy notices is the responsibility of project teams. They will need to include information on:

- the purpose of the research and how participants data will be used as part of the evaluation;
- the rights of participants to opt out of being part of the evaluation and having their data processed;
- the legal basis on which evaluators will process participants data; and,
- an explanation of how persona data will be processed in the YEF archive.

To facilitate explaining how the YEF archive will operate, we have prepared an accessible guidance note (our Privacy Statement). **All projects must share this with participants and their guardians.** We expect projects will find it easiest to include a link to our Privacy Statement in their own privacy information. It can be found [here](#) on the YEF website.

Before privacy notices are shared with participants, **we expect all projects to send these to the evaluation team.** Ensuring information is appropriately explained to participants is vital to enable us to use their data in the future. We will check to ensure privacy notices are in-line with YEF's approach to data processing.



Our contact details

If you have any questions about this document, about processing personal data for the YEF project, or about the project more generally, please contact us at:

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